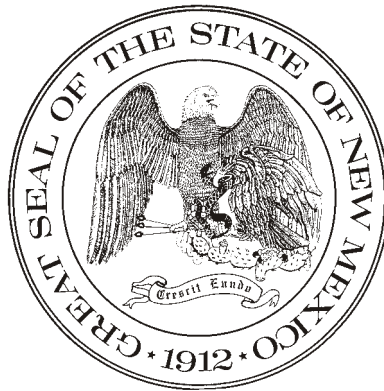


LAND GRANT COMMITTEE



2007 REPORT

Santa Fe, New Mexico

December 2007

File No. 205.207-07

**LEGISLATIVE INTERIM LAND GRANT COMMITTEE
SUMMARY OF COMMITTEE WORK**

During this 2007 interim, the committee held six meetings throughout northern New Mexico, including meetings in Chama, Anton Chico, Truchas and Questa. Issues addressed included funding for the Guadalupe Hidalgo Treaty division of the office of the attorney general; establishment of a land grant studies program at the university of New Mexico (UNM); improving relations between community land grants and the bureau of land management and the U.S. forest service; reviewing state auditor requirements for land grants that receive state appropriations; the transfer of certain lands owned by the department of game and fish to community land grants that formerly owned those lands; implementing procedures for evaluating and approving capital outlay for land grants; reviewing state forestry programs involving community land grants; creating a state land grant agency; funding of mortgages by the New Mexico mortgage finance authority on land grant common lands; cleaning up illegal dumps located on community land grants; and the placement of signs by department of transportation indicating the historic boundaries of community land grants.

At its last meeting, the committee endorsed several pieces of legislation for introduction during the 2008 legislative session. Endorsed legislation includes the following:

- funding for the establishment of a land grant studies program at UNM;
- the transfer of approximately 32 acres of land from the department of game and fish to the Abiquíu land grant; and
- funding for ongoing technical assistance to land grants through the north central economic development district.

Expenditures for voting members during the interim totaled \$12, 480 and expenditures for advisory members totaled \$5,275.

**2007 APPROVED WORK PLAN AND MEETING SCHEDULE
for the
LAND GRANT COMMITTEE**

Committee Members:

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Rod Adair
Sen. Joseph J. Carraro
Rep. Justine Fox-Young

Rep. Jimmie C. Hall
Rep. Manuel G. Herrera
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. James G. Taylor

Advisory Members:

Rep. Paul C. Bandy
Sen. Carlos R. Cisneros
Rep. Thomas A. Garcia
Sen. Phil A. Griego

Rep. Ben Lujan
Sen. Bernadette M. Sanchez
Sen. William E. Sharer
Rep. Eric A. Youngberg

History

The land grant committee was originally created by statute for the 2003 interim and has been renewed each year as a legislative council-created committee since 2004.

Work Plan

The land grant committee plans to consider the following issues and topics during the 2007 interim and develop appropriate legislation for the 2008 legislative session:

1. to address long-standing grievances related to state and federal government treatment of Spanish and Mexican land grants, the committee should review operation of the Guadalupe Hidalgo treaty division of the office of the attorney general and request funding of the division as part of the base budget of the office of the attorney general; hear the attorney general's response to the 2004 GAO report on community land grants; explore the possibility of the purchase of bureau of land management property by the state for eventual return to community land grants; and request the transfer of lands owned by the department of game and fish to community land grants that formerly owned those lands;
2. examination of the implications of granting political subdivision status to community land grants, including state auditor requirements for auditing of community land grants; department of finance and administration procedures for evaluating and approving capital outlay appropriations for community land grants; conforming the Tecolote land grant governing statutes with Chapter 49, Article 1 NMSA 1978; exploring possible purchase of insurance from the risk management division by boards of trustees; and reviewing state forestry division programs involving community land grants;
3. implementation of legislation and ongoing programs should include a report on property tax division administration of delinquent tax sales of land located within the boundaries of community land grants; and preparation of title abstracts by the state commission of public records on state-owned property located within the historic boundaries of community land grants;

4. establishment of a land grant studies program at the university of New Mexico; and

5. other issues, including the creation of a state land grant council; department of transportation placement of signs indicating community land grant boundaries; funding of mortgages by the mortgage finance authority on land grant common lands; and clean-up of illegal dumps located in community land grants.

Approved Meeting Dates and Budget

Date	Meeting Place
June 1	Santa Fe
July 23, 24	Questa
August 20, 21	Truchas
September 6, 7	Chama
October 11, 12	Anton Chico
November 9	Santa Fe

The New Mexico legislative council approved a budget of \$16,500 for voting members and \$19,611.63 for advisory members.

AGENDAS

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
LAND GRANT COMMITTEE**

**June 1, 2007
Room 309, State Capitol
Santa Fe**

Friday, June 1

- 10:00 a.m. **Call to Order**
 —Representative Miguel P. Garcia, Chair
- 10:15 a.m. **Discussion of Work Plan and Itinerary for the 2007 Interim**
 —Committee Members and Members of the Public
- 11:45 a.m. **Public Comment**
- 12:30 p.m. **Adjourn**

Revised: July 20, 2007

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
LAND GRANT COMMITTEE**

**July 23-24
Parish Center
Questa**

Monday, July 23

- 10:00 a.m. **Call to Order**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. **Introductory Remarks and Welcome**
—Representative Roberto "Bobby" J. Gonzales
—Malaquias Rael, Mayor, Questa
—Charlie Gonzales, Taos County Commissioner
- 10:30 a.m. **Land Grant Studies Program Support**
—Dr. Manuel Garcia y Griego, Director, Southwest Hispanic Research
Institute, University of New Mexico
- 11:00 a.m. **Land Grant History and Issues: San Antonio del Rio Colorado Land Grant**
—Esther Garcia, San Antonio del Rio Colorado Land Grant
—Malaquias Rael, San Antonio del Rio Colorado Land Grant
- 12:00 noon **Guadalupe Hidalgo Treaty Division Discussion**
—Committee Members
- 12:15 p.m. **Lunch**
- 1:30 p.m. **Audit Requirements and Procedures for Land Grants with Political
Subdivision Status**
—JoAnn Chavez, Audit Director, Office of the State Auditor
—Land Grant Representative
- 2:15 p.m. **Mortgage Financing Issues of Land Grants**
—Joseph Montoya, New Mexico Mortgage Finance Authority

- 2:45 p.m. **Arroyo Hondo Arriba Community Land Grant**
—David Aguello, Arroyo Hondo Arriba Community Land Grant
—Elias Espinoza, Arroyo Hondo Arriba Community Land Grant
- 3:15 p.m. **Sangre de Cristo Land Grant Background**
—Shirley Otero, Land Rights Council (Southern Colorado Portion)
—Paul Martinez, Amalia, New Mexico (Northern New Mexico Portion)
- 4:00 p.m. **Public Comment**
- 5:00 p.m. **Recess**

Tuesday, July 24

- 9:00 a.m. **Tour of San Antonio del Rio Colorado Land Grant**
- 12:00 noon **Adjourn**

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
LAND GRANT COMMITTEE**

**August 20-21
Opus House, 1671 Highway 76
Truchas**

Monday, August 20

- 10:00 a.m. **Call to Order**
 —Representative Miguel P. Garcia, Chair
- 10:15 a.m. **Guadalupe Hidalgo Treaty Division, Office of the Attorney General**
 —Gary King, Attorney General
- 11:00 a.m. **Introductory Remarks and Welcome**
 —Elias Coriz, Rio Arriba County Commissioner
 —Ed Vigil, Nuestra Senora del Rosario San Fernando y Santiago Land
Grant
- 11:15 a.m. **Land Grant Updates and Issues: Nuestra Senora del Rosario San Fernando y
Santiago, Abiquiu, Santa Cruz de la Canada**
 —Ed Vigil, Nuestra Senora del Rosario San Fernando y Santiago Land
Grant
 —Delvin Garcia, Abiquiu Land Grant
 —John Chavez, Santa Cruz de la Canada Land Grant
- 12:00 noon **Chimayo Museum Briefing**
 —Lorraine Vigil, Executive Director, Chimayo Museum
- 12:15 p.m. **Lunch**
- 1:30 p.m. **Land Grant Council Proposal**
 —Arturo Archuleta, North Central Economic Development District
 —Juan Sanchez, Chilili Land Grant
- 2:00 p.m. **Cleanup of Illegal Dumps Grant Program**
 —E. Gifford Stack, Department of Environment

- 2:45 p.m. **Jacona Land Grant, Sebastian Martin Land Grant, Penasco Historical Background**
—Raymond Roybal, Jacona Land Grant
—Robert Sena, Jacona Land Grant
—Guy Eden, Jacona Land Grant
—Carlos Ortiz, Jacona Land Grant
—Manuel Roybal, Jacona Land Grant
—Eliu Martinez, Sebastian Martin Land Grant
- 4:00 p.m. **Discussion of Bureau of Land Management Issues to be Covered at the Chama Meeting**
—Committee Members
- 4:15 p.m. **Public Comment**

Tuesday, August 21

- 9:00 a.m. **Tour of Jacona Land Grant, Chimayo Museum and Oratorio de San Buenaventura**
- 12:00 noon **Adjourn**

Revised: September 5, 2007

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
LAND GRANT COMMITTEE**

**September 6-7, 2007
Gymnasium of Chama Village Hall
Chama, New Mexico**

Thursday, September 6

10:00 a.m. **Call to Order**

10:05 a.m. **President Levi Pesata, Jicarilla Apache Nation** (invited)

10:20 a.m. **Welcome**
—Mayor Archie Vigil, Village of Chama

10:40 a.m. **Chama Chamber of Commerce**
—Scott Flurry

11:00 a.m. **Bureau of Land Management Issues**
—Linda Rundell, State Director (invited)
—Sam DesGeorges, Taos Field Office Manager, Bureau of Land Management

11:45 a.m. **Congressman Tom Udall's Office Update: Written Report**

12:00 noon **Lunch**

1:30 p.m. **Department of Game and Fish Issues**
—R.J. Kirkpatrick, Wildlife Management Division Chief

2:30 p.m. **Rio Arriba County Commissioners**
—Commissioner Felipe D. Martinez, District III
—Commissioner Alfredo L. Montoya, District II
—Commissioner Elias Coriz, District I

3:00 p.m. **Area Land Grant Updates**
—Dennis Wells, President, Tierra Amarilla Land Grant
—Higinia Gallegos, President, Cañones Land Grant
—Leonard Martinez, President, San Joaquin del Rio de Chama
Land Grant

4:15 p.m. **Public Comment**

Friday, September 7

8:30 a.m. **Leave from Village Hall**

9:00 a.m. **Tour of La Puente**

10:00 a.m. **Los Ojos and Tour of Tierra Wools**

11:00 a.m. **Tour of Edward Sargent State Wildlife Area**

12:00 noon **Adjourn**

Revised: October 5, 2007

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
LAND GRANT COMMITTEE**

**October 11-12, 2007
Maestas Lounge
Anton Chico Land Grant
Dilia, NM**

Thursday, October 11

- 10:00 a.m. **Call to Order**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. **Introductions and Welcoming Remarks**
—Christobal Marquez and Roberto Mondragon, Anton Chico Land Grant
- 10:30 a.m. **Capital Outlay Distribution Process**
—Dolores Gonzales, Local Government Division, Department of Finance
and Administration (DFA)
—Representative, State Budget Division, DFA
- 11:30 a.m. **State Forest Program Cooperation with Land Grants**
—Tony Delfin, Deputy State Forester
- 12:15 p.m. **Lunch**
- 1:30 p.m. **Highway Signs and Historical Markers**
—Tom Raught, State Maintenance Engineer, Department of
Transportation
—Nancy Meem Wirth, Cultural Properties Review Committee
- 2:30 p.m. **Land Grant Reports**
—Roberto Mondragon, Anton Chico Land Grant
—Christobal Marquez, Anton Chico Land Grant
—Daniel Garcia, San Miguel del Vado Land Grant
—Paula Garcia, Mora Land Grant
—Angela Herrera, Tecolote Land Grant
—Hilario Rubio, Las Vegas Land Grant

—Partition Grants:

—William Gonzales, San Augustin

—Edward Crespín, San Geronimo

—Horacio Benavidez, Lower Gallinas Land Grant

—Pilar Martinez, Los Vigiles Land Grant

4:30 p.m. **Public Comment**

5:00 p.m. **Tour of Anton Chico Land Grant**

6:30 p.m. **Recess**

Friday, October 12

9:00 a.m. **Tour of San Miguel del Vado Land Grant, Tecolote Land Grant and Las Vegas Land Grant — Leaving from the Plaza Hotel, Las Vegas**

12:00 noon **Adjourn**

Revised: November 21, 2007

**TENTATIVE AGENDA
for the
SIXTH MEETING
of the
LAND GRANT COMMITTEE**

**November 28
Room 309, State Capitol
Santa Fe**

Wednesday, November 28

- 10:00 a.m. **Call to Order**
 —Representative Miguel P. Garcia, Chair
- 10:15 a.m. **USDA Forest Service Programs and Issues**
 —John Bruin, Acting Director of Lands and Minerals, USDA Forest
 Service Southwestern Region
- 11:00 a.m. **Office of the State Historian Digital History Project**
 —Estevan Rael-Galvez, New Mexico State Historian
- 12:00 noon **Lunch**
- 1:00 p.m. **Committee Business — Approval of Minutes**
- 1:15 p.m. **Update on Issues**
 —Title Abstracts Appropriation, SB 611 (2007)
 —Department of Game and Fish Transfer of Land to Abiquiu
 —Atrisco Land Grant Update
- 1:30 p.m. **Consideration of Legislation**
 —Land Grant Studies Program Appropriation
 —Land Grant Election Procedures
 —Land Grant Support Act
 —Land Grant Boundary Signs Appropriation

Adjourn

MINUTES

**MINUTES
of the
FIRST MEETING
of the
LAND GRANT COMMITTEE**

**June 1, 2007
Room 309, State Capitol
Santa Fe**

The first meeting of the land grant committee (LGC) was called to order by Representative Miguel P. Garcia, chair, at 10:25 a.m. on June 1, 2007 in room 309 of the State Capitol. There not being a quorum, the committee convened as a special subcommittee.

Present

Rep. Miguel P. Garcia, Chair
Sen. Rod Adair
Sen. Joseph J. Carraro
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Sen. Richard C. Martinez, Vice Chair
Rep. Justine Fox-Young
Rep. Manuel G. Herrera
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Rep. Paul C. Bandy
Rep. Thomas A. Garcia
Sen. Phil A. Griego
Rep. Ben Lujan

Sen. Carlos R. Cisneros
Sen. Bernadette M. Sanchez
Sen. William E. Sharer
Rep. Eric A. Youngberg

Staff

Jon Boller
Kate Ferlic

Guests

The guest list is in the meeting file.

Friday, June 1

The staff gave a brief review of the committee-endorsed bills that passed or failed during the 2007 legislative session. The LGC endorsed 10 pieces of legislation for the 2007 session, of which five were ultimately passed in some form. The following measures were enacted:

- Chapter 36, which changed Tome's governing statutes to Chapter 49, Article 1 NMSA 1978, was signed into law on March 15;

- Chapter 145, which revised Chilili's statutes to conform with Chapter 49, Article 1 NMSA 1978, was signed into law on April 2;
- Chapter 266 on adverse possession was signed into law on April 3;
- \$25,000 was appropriated to the office of the attorney general for operation of the Guadalupe Hidalgo treaty division; and
- \$45,000 was appropriated to the state commission of public records to prepare title abstracts of state-owned property located within the boundaries of land grants.

Those that did not pass included:

- an appropriation to clean up illegal dumps on land grants;
- an appropriation to fund a land grant studies program;
- a memorial on studying the economic impact of wildlife management areas;
- granting land grants the right to buy former grant lands at delinquent tax sales for the taxes and penalties due on the property; and
- a bill to convert Tecolote's land grant to political subdivision status.

An additional bill affecting land grants, but not endorsed by the committee, was HB 753, returning certain lands to the Tierra Amarilla land grant under certain conditions.

Miscellaneous Business and Public Comment

Two members of the committee expressed concern about private landowners and developers blocking traditional access routes to public and private lands in northern New Mexico and said they hope the committee could address the issue at one of its meetings. A request was also made to supply new members of the committee with copies of the report issued by the state commission of public records last year on former grant lands now under state ownership.

Jerry Fuentes and Filemon Sanchez, members of the board of directors of the Mexicano land education and conservation trust, asked the committee to request the appropriate authority to conduct an audit of the trust to make sure that its money has been properly expended. Committee members requested staff to send a letter to the appropriate agency to that effect. Mr. Sanchez also invited the committee to visit Las Trampas land grant during the interim.

Richard Griego, a retired professor of mathematics and an Atrisco land grant heir, reported that many heirs of the grant feel that the town of Atrisco land grant still exists and that the Westland corporation, which was recently sold to SunCal corporation, is simply the corporate arm of the land grant. He said that the lineal descendants of the original grant had elected a board of trustees and that the trustees would like to be part of the land grant council.

John Chavez, Santa Cruz de la Canada land grant, reported that he had met with the state historian, Estevan Rael-Galvez, while conducting research at the state archives. He suggested that Mr. Rael-Galvez should be invited to make a presentation to the committee on the resources concerning land grants that are available in the state archives.

Roberto Mondragon, Anton Chico land grant, briefly outlined the progress the land grant community has made over the past few years, the roles of the land grant forum and the Mexicano land education and conservation trust in promoting land grant issues and the need for the formation of a state-created land grant council to carry on that work. He said priorities for the next year should include encouraging congressional action on the creation of trust funds and process for the return of lands to community land grants, the establishment of a land grant studies program at the university of New Mexico and creation of a commission to study individual land grants and document their boundaries.

Juan Sanchez, Chilili land grant, asked the committee to endorse the creation of an acequia registry in the office of the secretary of state. Mr. Mondragon commented that the appropriate place for the establishment of an acequia registry is the office of the state engineer, and noted that the state engineer is in fact already tasked with the registration of all acequias in the state. It was suggested that Mr. Mondragon, who is the special water projects coordinator for the state engineer and the interstate stream commission, and Paula Garcia, executive director of the New Mexico acequia association, be invited to address this issue during the interim.

Eliu Martinez, Sebastian Martin land grant, said that the 54,000 acres of the grant are now in the hands of the United States forest service and bureau of land management, and asked how he could petition to get the land back. Committee members suggested that he be invited to address the committee at its Truchas meeting.

Work Plan

The committee, sitting as a special subcommittee, recommended to the legislative council the following work plan and meeting schedule:

- address long-standing grievances related to state and federal treatment of Spanish and Mexican land grants by reviewing operation of the Guadalupe Hidalgo treaty division of the office of the attorney general and requesting funding of the division as part of the base budget of the office of the attorney general; hear the attorney general's response to the 2004 government accountability office (GAO) report on community land grants; explore the possibility of purchase of bureau of land management property by the state for eventual return to community land grants; and request the transfer of lands owned by the department of game and fish to community land grants that formerly owned those lands;
- examine the implications of granting political subdivision status to community land grants, including state auditor requirements for auditing of community land grants; examine department of finance and administration procedures for evaluating and approving capital outlay appropriations for community land grants; conform the Tecolote land grant governing statutes with Chapter 49, Article 1 NMSA 1978; explore possible purchase of insurance from the risk management division by boards of trustees; and review state forestry division programs involving community land grants;

- discuss: 1) whether implementation of legislation and ongoing programs should include a report on property tax division administration of delinquent tax sales of land located within boundaries of community land grants; and 2) preparation of title abstracts by the state commission of public records on state-owned property located within the historic boundaries of community land grants;
- establish a land grant studies program at the university of New Mexico; and
- other issues to be considered include: 1) creation of a state land grant council; 2) legislation on the transfer of domestic well water rights to mutual domestic water consumer associations; 3) department of transportation placement of signs indicating community land grant boundaries; 4) Rio Costilla fish poisoning concerns; 5) funding of mortgages by the mortgage finance authority on land grant common lands; and 6) clean-up of illegal dumps located in community land grants.

Proposed Meeting Dates

Date	Meeting Place
July 23, 24	Questa
August 20, 21	Truchas
September 6, 7	Chama
October 11, 12	Anton Chico
November 9	Santa Fe

There being no further business, the committee adjourned at 12:45 p.m.

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**MINUTES
of the
SECOND MEETING
of the
LAND GRANT COMMITTEE**

**July 23 and 24, 2007
St. Anthony's Parish Center
Questa**

The second meeting of the Land Grant Committee (LGC) for the 2007 interim was called to order by Representative Miguel P. Garcia, chair, on Monday, July 23, 2007, at 10:19 a.m. in St. Anthony's Parish Center in the Village of Questa.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Rod Adair
Sen. Joseph J. Carraro
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Rep. Justine Fox-Young
Rep. Manuel G. Herrera
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Rep. Paul C. Bandy
Sen. Carlos R. Cisneros
Rep. Thomas A. Garcia
Sen. Bernadette M. Sanchez

Sen. Phil A. Griego
Rep. Ben Lujan
Sen. William E. Sharer
Rep. Eric A. Youngberg

Guest Legislators

Rep. Roberto "Bobby" J. Gonzales

Staff

Jon Boller
Tamar Stieber

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Monday, July 23

Welcome, Introductions and Invocation

Representative Miguel P. Garcia, speaking in English and Spanish, welcomed an audience of about 70 people to the first meeting in Questa of the LGC. Representative Garcia thanked the *buena gente* of the village and the San Antonio del Rio Colorado Land Grant for hosting the meeting and inviting everyone present to lunch. After an invocation by Eligio Chavez, a senior *hermano* of the Fraternidad Piadosa de Nuestro Padre Jesus Nazareno, the committee members and staff introduced themselves. Representative Miguel Garcia said the committee plans on doing great things, then introduced Mayor Malaquias Rael.

Mr. Rael thanked the committee for the opportunity to hear first-hand what is going on in the legislature and for allowing the village to give its input regarding land grants. He noted that while a lot has been written about land grants, very little is truly understood about them. He described the issue as "very delicate to discuss because no one is sure what to discuss, how to discuss it and if it is even worth discussing".

After thanking the sponsors of the meeting, Mr. Rael introduced Taos County Commissioner Charlie Gonzales, who explained that the San Antonio del Rio Colorado Land Grant still has not received a patent from the federal government despite applications going back over 100 years. Mr. Gonzales also noted that while New Mexico sends water from the Sangre de Cristo Mountains to Texas, the local water association does not have funds to repair the dam, which is breached, and has no water for crops.

Representative Miguel Garcia recognized Michael Lopez from the office of Congressman Tom Udall, New Mexico Democratic Party Chairman Brian Colon and former state Senator Arthur Rodarte. Representative Garcia said the LGC has made history by meeting in communities that no other legislative committee has visited. "But our [purpose] is not to make history", he said. "It's to empower and strengthen the land grants in New Mexico. It's kind of hair-raising that we're doing this".

History of the LGC

Representative Miguel Garcia presented a brief history of the LGC, which he said was created in 2003 to uphold the Constitution of New Mexico and respect the conditions of the Treaty of Guadalupe Hidalgo. He said the committee was the land grant community's "voice in the legislature" and that it "grew from the bottom up".

"We didn't just start with *politicos*, but with people like you", he said. "That's why people appreciate this committee. We have a heart and a conscience and we try to do what is in the best interest of *la gente* and the state".

Representative Miguel Garcia described some of the actions the state has taken affecting land grants. They include:

- creating a registry of land grants with the secretary of state. Representative Miguel Garcia urged all land grants to register, whether or not they have a patent;
- providing political subdivision status for *mercedes* (land grants), similar to that of school boards and soil conservation districts and acequias. Like those districts, land grants registered as political subdivisions must adhere to rules for open meetings, public records, etc., to avoid conflicts of interest and corruption and to allow for more public participation;
- prohibiting adverse possession lawsuits against land grants organized as subdivisions under Chapter 49, Article 1 NMSA 1978;
- providing for the right of first refusal by which land grants can match the highest bidder at delinquent tax auctions for land within its boundaries; and
- appropriating money for the State Archives and Records Center to research state-owned properties to determine which ones are part of land grants so the state can arrange agreements to hand them back.

Land Grant Studies Program, University of New Mexico (UNM)

Dr. Manuel Garcia y Griego, director of UNM's Southwest Hispanic Research Institute, described what a land grant studies program could offer. He said such a program could help teach future leaders about land grants; assist land grants in documenting their histories; serve as a catalyst to coordinate the use of existing resources of the university; provide technical assistance to land grants; and support internships and fellowships for students studying land grant issues.

Dr. Garcia y Griego said that while many students express interest in land grant issues, they do not have the support to do the work. His goal is to establish undergraduate internships and pre-doctoral fellowships to support students who want to help land grant communities with legal and historical research. He envisions one or two fellowships and perhaps up to 10 internships to start, with more to follow as the program matures.

Dr. Garcia y Griego said that while the land grant studies program did not get included in the university's priorities last year – nor did a bill that included funding for the program survive the Senate during the last legislative session – the institute has submitted a request this summer to include the program in UNM's priorities. He said the program and the funding request have the support of the university's senior administration, which he said suggests that the regents will probably support it as well.

Representative Rodella moved that the committee write a letter to the board of regents in support of the program. The motion was seconded and passed unanimously and staff was directed to draft the letter.

Representative Thomas Garcia asked whether UNM's law school could offer a degree in land grant and water issues. Dr. Garcia y Griego said that while law school faculty associated with the Southwest Hispanic Research Institute are supportive of a land grant studies program,

he does not foresee it turning into a degree program any time soon. He said existing law school programs dealing with Native American issues could act as a "wedge" to get a land grant degree program started in the future. In the meantime, he would like to see UNM offer a certificate in land grant studies with the idea of moving toward a multidisciplinary degree program.

Representative Thomas Garcia wanted to know if the UNM program would assist individuals in researching their personal histories and genealogies as they relate to land grants. Dr. Garcia y Griego said the institute is designing a program specifically for that purpose. Representative Thomas Garcia said that Congressman Udall, as a graduate of UNM's law school, supports such a program.

Representative Hall suggested that the law school and UNM's Zimmerman Library coordinate efforts with regards to land grant issues, particularly those of governance, how to draft bylaws and perhaps even grant writing.

Senator Sanchez noted that lawmakers have unsuccessfully introduced legislation in the House and Senate to fund a land grant studies program and wanted to know when the university would consider giving priority status for funding the program. Dr. Garcia y Griego said that the regents meet in August. Senator Sanchez said it is key that funding for the program be part of the legislative package and that, with lobbying and other efforts, it may pass in the upcoming session.

Land Grant History – San Antonio del Rio Colorado

Esther Garcia and Mayor Rael presented a detailed history of the San Antonio del Rio Colorado Land Grant, which was founded by 54 families who arrived in 1815 and were granted possession in 1842 – six years prior to the signing of the Treaty of Guadalupe Hidalgo. Ms. Garcia said the families filed for validation in 1872 and the surveyor general gave their application a "do pass", but Congress never acted on it. She said they filed again in 1874, but Congress again did not act. In 1886, the surveyor general rejected the families' legal title for land grant status, Ms. Garcia said. To date, the land grant has not received legal status. Ms. Garcia asked the committee to intervene with New Mexico's congressional delegation to get legal recognition for the land grant.

Noting that some of the San Antonio del Rio Colorado Land Grant lies in United States Forest Service (USFS) and Bureau of Land Management (BLM) districts, Ms. Garcia said heirs are being charged fees to use what they consider to be their own land. Ms. Garcia stressed that the heirs are not trying to reclaim the land from the BLM or USFS, they just want to be consulted in its management.

Representative Bandy asked how to determine who the heirs are. Ms. Garcia told him to look around the room at the audience. She said they are all descended from the original 54 families.

Responding to a question from Representative Thomas Garcia, Ms. Garcia said the land grant community is worried about Senator Jeff Bingaman's legislation creating a wilderness conservation area that would encompass the San Antonio del Rio Colorado, Sangre de Cristo, Arroyo Hondo and Cristobal de la Serna land grants because heirs fear the legislation would result in further restrictions on their use of the land, especially on grazing cattle.

Representative Thomas Garcia asked that affected land grant communities write to the New Mexico congressional delegation with their concerns. He said it is not just a fight for land grants, but also for the economic viability of Taos County and the Village of Questa. Mayor Rael agreed, saying that Questa is in the heart of one of the most beautiful areas of New Mexico and residents ought to "quantify and take advantage of it" economically.

Representative Rodella said the committee seeks an inventory of state lands that once were common lands and wants to see some of those lands returned to the original owners. Federal lands, however, require federal approval. Representative Miguel Garcia said it is the role of the Guadalupe Hidalgo Treaty Division (GHTD) of the Attorney General's Office (AGO) to "wage a fight" against the federal government.

Guadalupe Hidalgo Treaty Division, AGO

Representative Miguel Garcia said that while it is important for land grants to lobby state legislators, they should also seek support from the AGO for land grant claims, especially when they require federal intervention. However, the division has not yet been funded. Representative Miguel Garcia urged audience members to contact the AGO "before the week is out" to get funding for the GHTD because it has the internal structure to wage a fight against the federal government. "If the main law enforcement officer in the state doesn't stand up to the plate, we're just whistling Dixie", he said.

Representative Miguel Garcia also urged the GHTD to comment on the 2004 report by the United States General Accountability Office (GAO) called *Treaty of Guadalupe Hidalgo: Findings and Possible Options Regarding Longstanding Community Land Grant Claims in New Mexico*. The report concluded that there were no outright violations of the treaty, only shortcomings in the process the federal government used to confirm or deny land grants. Representative Miguel Garcia noted that the committee had invited Attorney General Gary King to the meeting, but the attorney general had prior commitments and, instead, will attend the committee's August meeting. Senator Sanchez said the attorney general was "real supportive" of the GHTD but needed additional full-time employees (FTEs) assigned to the division.

June 1, 2007 Minutes

On a motion by Senator Martinez, seconded by Representative Rodella, the committee approved the minutes from the committee's June 1 meeting in Santa Fe.

Cristobal de la Serna Land Grant

Representative Miguel Garcia recognized former state Senator Francisco Comanche Gonzales. Senator Gonzales said he is a member of the Cristobal de la Serna Land Grant in Taos County and that more than 500 acres of the land grant have been stolen from the heirs. He said a local district judge ruled that the land is private. Now, he said, developers are planning to build homes there. He said the development is tantamount to "land grants for the rich" and blamed the situation on a 1942 survey that he said was done incorrectly. He asked the committee to help stop the development and get the property "back on track as a community land grant" by providing money to Taos County to redo the survey. Representative Miguel Garcia deferred the matter to the public comment portion of the meeting.

Audit Requirements and Procedures for Land Grants

JoAnn Chavez, audit director at the Office of the State Auditor, explained to the committee that land grants with political subdivision status that receive state funds are subject to an annual audit as required by the state's Audit Act and must follow the rules and procedures outlined in the act. They include:

- an adequate accounting system;
- financial software, such as QuickBooks;
- records to be made available for auditing;
- internal controls to prevent fraud, waste and abuse;
- daily monitoring of financial activities; and
- ensurance that the land grant is functioning as prescribed by its board of governors.

Ms. Chavez reiterated that land grants with political subdivision status also must adhere to:

- oversight by the Department of Finance and Administration (DFA);
- the Open Meetings Act; and
- the Public Records Act.

Ms. Chavez said the legislature should consider an annual appropriation to help land grants pay the start-up costs for setting up an accounting system and to pay for annual audits, which start at \$5,000 for even the most basic audit.

Senator Carraro said the audit requirement sounds like an unfunded mandate for organizations that have very little money. Ms. Chavez said the same problem plagues all of rural New Mexico. She said her office, which serves over 600 agencies, does not have the staff to do all the audits itself, so it hires contract auditors who, she said, "will not do it for free".

Noting that New Mexico "finally [has] an auditor that seems to know what his job is", Senator Carraro suggested that the committee request a statewide appropriation for the Office of the State Auditor specifically to audit land grants with political subdivision status.

"Most of these people are playing catch-up", he said. "They're using gum and thread to keep things together. Now it's another thing we're putting on them. We, as a state, have a

responsibility to have an audit from the state and have the state pay for it".

Senator Sanchez estimated it would cost a minimum of \$115,000 to audit the state's 23 or 24 land grants that fall under the political subdivision status.

Arturo Archuleta, director of planning and a loan officer for the North Central New Mexico Economic Development District, said some land grants have annual budgets of only \$80.00 and that a \$5,000 audit would pose a serious hardship. He said the state auditor has been very supportive in recommending solutions in those cases.

Representative Hall asked if the state can legislate thresholds at which land grants would be audited. Ms. Chavez said it is an "excellent idea" that she thinks the state auditor would support, but first it must be passed into law. She said the Office of the State Auditor would be happy to provide recommendations and options so the committee could draft legislation identifying thresholds at which land grants would be audited.

Representative Miguel Garcia asked for, and received, a consensus from the committee to work with the Office of the State Auditor on drafting legislation for auditing land grants that would be compatible with the Audit Act and fair to land grants.

Mortgage Finance Authority

Lionel Olguin, director of community development for the New Mexico Mortgage Finance Authority (MFA), said the MFA has been working with land grants since 2003 to help finance "affordable, suitable and safe housing" on community land. Mr. Olguin outlined the MFA's proposal to provide low-cost single-family home loans and infrastructure loans to the Chilili Land Grant using a model similar to that for Native American and other trust lands, including:

- ascertaining boundaries for residential housing and developing the lots with an eye to marketability, for which the MFA could provide technical assistance;
- ensuring that potential buyers qualify for affordable housing under MFA guidelines;
- requiring the land grants to maintain records of MFA-financed residences, including availability to heirs;
- keeping legal control of the property with the land grant such that homeowners function as tenants with long-term leases — unless the land grant chooses to transfer the property rights; and
- requiring the land grant to find a replacement owner should the original owner default on the MFA mortgage.

Mr. Olguin explained that, as the lender, the MFA absorbs any loss should a homeowner default and the land grant is unable to find a replacement homeowner.

Noting that the MFA is a state agency, Representative Hall asked if land grant housing would be available to the general public. Mr. Olguin said it is up to the land grant governing

body, not the MFA, to decide who will live on land grant property, but he assumes that only land grant members would be eligible for land grant housing.

Senator Martinez asked if the land grant governing body would serve a similar function as public housing authorities. Mr. Olguin said that is an option, but it would not be a requirement.

Representative Gonzales asked if the land grant could buy the land and develop it as rental property. Mr. Olguin said that is entirely up to the land grant governing body, not the MFA, which "is simply providing information and assistance in approaches a land grant can take".

Representative Miguel Garcia called the MFA proposal a creative way to "keep our kids in our villages and land grant communities by providing affordable housing". Mr. Olguin agreed, describing the program as a "new initiative...that calls for imagination". He said the MFA is also working with Habitat for Humanity to help develop the program.

Arroyo Hondo Arriba Community Land Grant

David Arguello and Elias Espinoza of the Arroyo Hondo Arriba Community Land Grant presented a brief history of that land grant. Mr. Arguello said the founders petitioned for the land grant in 1815 and took possession in 1823. In 1892, he said, the Court of Private Land Claims confirmed the land grant. Mr. Arguello said the claims court denied 94 percent, or 34 million acres, of land grant claims between 1891 and 1892, which he said contributed "prolonged poverty" in northern New Mexico. Today, he said, the Arroyo Hondo Arriba land grant has 34 members who pay a \$20.00 annual fee. At that rate, he said, it would take the land grant eight years to pay for one audit if it acquired political subdivision status. Mr. Arguello said other issues facing the land grant include:

- judicial confusion, such as a decision by the district court to make a private access road maintained by the land grant a public road open to a nearby expensive subdivision, and to make a public road five miles away a private road inaccessible to land grant heirs;
- because the land grant had trouble meeting its tax obligations, some heirs sold common lands to private parties in the 1970s. Those tracts became Gallina Mesa and Deer Mesa and began an era in which "huge, unmanageable subdivisions" sprang up with roads at 22 percent grades, Mr. Arguello said. The resulting erosion has damaged the acequia five times since 1974;
- newcomers trespass on land grant property and do not acknowledge the trails that land grant heirs have used since the 1790s;
- the Taos Ski Valley strains water supplies, and its sewage system has contaminated the ground water; and
- of the land grant's original six square miles, only 620 acres remain and it is not contiguous.

Mr. Arguello and Mr. Espinoza said the land grant has spent a lot of money to protect its rights to the land and the acequia, which Mr. Arguello said are "inseparable".

"Now we have 40 houses on 240 acres with each one having a guest house", Mr. Arguello said. "When did a piece of land start as a quitclaim for \$40 and a bottle of wine?"

Mr. Arguello said land grants need strong land use management to stop development when it is harmful. He also suggested arresting people who trespass "so the authority we have historically has teeth". He commended the Land Grant Committee for its work and asked that the body not die.

Representative Miguel Garcia said, "There's the law of the greedy and there's the law of self-defense", recalling how, in the 1950s, you could see land grant heirs carrying sidearms to protect their land.

Senator Carraro said he does not think people should have the right to kill trespassers, though he said trespassers have the "right" to be shot – at least in the leg. He wanted to know who sold the land and under what authority. Mr. Arguello said land grant heirs who could not afford back taxes gave up their land. Mr. Espinoza said an Anglo person paid the back taxes, took possession of the land and sold 500 acres of it to private parties, prompting Senator Carraro to say, "We need to stop further erosion of land grants through sales that will probably prove illegal in future". Senator Carraro asked if there is a "champion" who understands land grants and said the committee has to "take a stand" and fight corruption at the county and judicial level and to get compensation for heirs who lost their land to "unscrupulous people". He asked that the AGO look into the issue.

Sangre de Cristo Land Grant

The committee heard from Shirley Otero of San Luis, Colorado, and Paul Martinez of Amalia. They presented background about the southern Colorado and northern New Mexico portions, respectively, of the Sangre de Cristo Land Grant.

Ms. Otero, president of the Land Rights Council in San Luis, described the lawsuit, *Rael v. Taylor*, that the Colorado heirs to the Sangre de Cristo Land Grant won. It grants them access to the 77,000-acre Taylor Ranch for grazing, firewood and timber. She offered to share with the committee the legal and other information that came out of that lawsuit "for free, so you don't have to go through same struggles we had to".

Mr. Martinez said a large corporation is already "making moves to purchase large tracts of land" in the Sangre de Cristo Land Grant and that ranchers are buying chamisa land with the intention of subdividing it for housing developments. He said he is working with former State Historian Robert Torres and the Department of Game and Fish to change the game refuge status of the Department of Game and Fish-owned Urraca Ranch between Questa and Costilla so that

heirs can graze cattle there. He said he is also working with the USFS to open the Valle Vidal and Cabresto Lake to traditional uses.

Mr. Martinez complained that the Rio Costilla Community Livestock Association (RCCLA), which he said has limited membership that excludes many land grant heirs, has leased land grant property to the federal government. He said the RCCLA is trying to negotiate land and water rights in the name of the Sangre de Cristo Land Grant, but that land grant heirs do not have a voice in its negotiations because, he said, the RCCLA does not open its meetings to the public.

Mr. Martinez asked the committee to:

- research chains of title throughout the Sangre de Cristo Land Grant, saying it would find "many bad, illegal, unlawful transactions";
- work on returning the Urraca Ranch to the land grant;
- help the land grant acquire Ski Rio;
- get the state to honor its commitment in the Valle Vidal; and
- stop the BLM from creating conservation areas in northern New Mexico.

Representative Miguel Garcia said Mr. Martinez should submit to staff the history, problems and proposed solution or action he thinks is necessary regarding Ute Mountain and the surrounding conservation areas so staff could help draft a memorial for the legislative session. He said he is willing to visit personally with the RCCLA to encourage the organization to work with the community land grant.

Representative Rodella said the Tierra Amarilla Land Grant in her district also has problems dealing with the Department of Game and Fish, which she called "arrogant".

Ms. Otero said Colorado's wildlife department wanted Sangre de Cristo Land Grant heirs to stop grazing sheep in order to protect the bighorn sheep population. She said the heirs refused because bighorn sheep are not native to the area. Senator Adair responded that domestic sheep are not native, nor are cows or horses. "If you go down that road", he said, noting that not all the pueblos agree with land grant claims, "... that would mean all of your livestock would not be allowed."

Audience Comments

Gilbert Segura, a member of the Plaza de Guadalupe Land Grant, asked about the rights of heirs to land grants that, like his, were not recognized by the surveyor general or the federal land claims court, have never been adjudicated and are now managed by the BLM. He asked if the committee could intervene on their behalf with the AGO. Representative Miguel Garcia said it is more important that the land grant heirs communicate directly with the AGO and urge it to get full funding for the GHTD.

Senator Carraro said the committee needs to identify how much money the AGO will need to fund the GHTD. Representative Hall suggested that with an extra \$130 million in state revenues projected for next year, the committee should support funding of the land grant studies program as well.

Alvin Garcia, an assistant attorney general in the AGO's civil division and the point person there for land grant issues, said that during the last legislative session the AGO sought a half-million dollars to fund three FTEs to staff the GHTD, but got only \$20,000. Senator Sanchez said the language she inserted in an appropriation bill was to fund the AG's response to the GAO report.

Mr. Alvin Garcia, who is also legal counsel for the State Game Commission, said there are significant issues surrounding land grant transfers, including:

- the state would have to pay the federal government in certain cases; and
- the legislature must approve any transfer of property valued at more than \$100,000.

Calling land grants the "neglected stepchild of government", Mr. Alvin Garcia said he has been coordinating with Sarah Cottrell, the land grant person in the Governor's Office, to get the division up and running. He asked the committee's help in familiarizing the DFA and the Legislative Finance Committee (LFC) with the GHTD so they are not "shocked" when the funding request appears as a budget item.

Senator Carraro moved that the committee send a letter to the Governor's Office and the DFA that explains how much money the GHTD needs and exactly what it will pay for. He suggested that the committee chair be present during the LFC's discussion of the appropriations bill to "emphasize the importance of this". He also urged people from the land grant community to be present to support the funding request.

Senator Sanchez suggested that Mr. Alvin Garcia make a personal presentation to the LFC in support of his request for funding.

Representative Miguel Garcia asked for, and received, a consensus to draft a letter in support of funding for the GHTD and to have himself, as committee chair, and Vice Chair Martinez address the LFC on the issue.

Larry Rivera, a member of the RCCLA, said that if the RCCLA lands are taken away and given back to the land grant, it would be taking from the poor to give to the poor. He also noted that the association did not sell elk, as suggested earlier in the day, but sold permits to raise money to pay taxes and to pay for upkeep of the land.

After a few comments from the audience, the meeting adjourned at 6:11 p.m.

Tuesday, July 24

The committee took a tour of the San Antonio del Rio Colorado Land Grant, including the Molycorp mine.

There being no further business, the task force adjourned at 11:50 a.m.

**MINUTES
of the
THIRD MEETING
of the
LAND GRANT COMMITTEE**

**August 20-21, 2007
Opus House
Truchas**

The third meeting of the Land Grant Committee (LGC) for the 2007 interim was called to order by Representative Miguel P. Garcia, chair, on Monday, August 20, 2007, at 10:26 a.m. in Opus House in Truchas.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Rod Adair
Sen. Joseph J. Carraro
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Rep. Justine Fox-Young
Rep. Manuel G. Herrera
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Rep. Paul C. Bandy
Sen. Carlos R. Cisneros
Rep. Thomas A. Garcia
Rep. Ben Lujan (Aug. 20)

Sen. Phil A. Griego
Sen. Bernadette M. Sanchez
Sen. William E. Sharer
Rep. Eric A. Youngberg

(Attendance dates for members not present both days are shown in parentheses.)

Staff

Jon Boller
Kate Ferlic
Tamar Stieber

Guests

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

Monday, August 20

Welcome, Introductions and Invocation

Representative Miguel P. Garcia, speaking in English and Spanish, welcomed an audience of approximately 40 people to the meeting. He invited Olivama A. Martinez, a member of Nuestra Señora del Rosario, San Fernando y Santiago Land Grant, to conduct an invocation. After members of the committee introduced themselves, Representative Miguel Garcia explained the agenda and introduced Rio Arriba County Commissioner Elias Coriz and Nuestra Señora del Rosario, San Fernando y Santiago Land Grant Secretary Ed Vigil.

Mr. Coriz thanked the LGC and the Village of Truchas for inviting him and said land grant issues are "close to his heart" because he is an heir to the Santa Cruz de la Cañada Land Grant. He said the county is working with the land grants in and around Rio Arriba County on such projects as:

- renovating the Oñate Monument Resource and Visitors Center to include a research center for land grants throughout New Mexico;
- economic development;
- abatement of illegal dumping. Mr. Coriz said that with help from the land grant, the county secured a lease for the new transfer station between Cordova and Truchas, where residents with a permit can dump trash for free; and
- arranging for portable buildings where land grant and acequia organizations can conduct meetings.

Mr. Coriz said the county wants to work with state lawmakers individually as well as with legislative committees to help land grants establish an economic base. He cited a *dicho* in Spanish that translates to, "You can steal more money with a pen than with a pistol". Rather than fighting, said Mr. Coriz, "We need to get people to compensate us back with the pen".

Mr. Coriz recognized Rio Arriba County Sheriff Joe Mascarenas before taking questions.

Representative Rodella asked Mr. Coriz if Rio Arriba County could send a representative to the LGC's meeting in Chama on September 6 to explain what position the county is taking on private landowners who acquired land grant property in Ensanada and then fenced off a section of the old road to Taos. Mr. Coriz assured the committee that the county would have a representative present at the Chama meeting to address that issue.

Guadalupe Hidalgo Treaty Division, Office of the Attorney General (AGO)

Attorney General Gary King apologized for having only a short amount of time to spend with the committee, explaining that he had to fly out that evening for a meeting in Washington, D.C. He explained what the AGO is doing to carry out legislation that created the Guadalupe Hidalgo Treaty Division in the AGO.

Attorney General King said the AGO requested funding last session for three full-time

employees (FTEs) specifically for the Guadalupe Hidalgo Treaty Division. He said his analysis was that it would be a "good-sized unit to deal with (land grant) issues", but he was unsuccessful in gaining the appropriation to do that. He said it is "most important" to him to have it in next year's budget and asked the committee to speak to colleagues in the legislature and "let them know it's an important issue". He said his goal is to have an attorney, a paralegal and an administrative staff person devoted exclusively to land grant issues.

Attorney General King said he has a personal interest in land grant issues because the district he represented when he was in the legislature contained three land grants. Of particular concern to him at that time was that land grants be recognized as local government units to avoid problems with New Mexico's anti-donation laws. He said one of his goals is to see all New Mexico community land grants achieve political subdivision status. He stressed, however, that the state constitution does not empower his office to give legal opinions to political subdivisions of the state unless a lawmaker, the governor or a cabinet secretary requests it. But he said his office can still offer advice to local governments on complying with state laws such as the Open Meetings Act and the Inspection of Public Records Act.

Representative Rodella reminded Attorney General King that his office received a \$20,000 appropriation, available at the beginning of this fiscal year, to respond to a federal report on the Treaty of Guadalupe Hidalgo. She said the response was never completed and wanted to know how much money had been earmarked for in-house work on the document and how much for contract work. The attorney general said his office is working with the Administrative Services Division on performance criteria for a contractor to do the work.

Representative Hall said he wants to make sure the AGO hires people with "institutional knowledge...to take the land grant issue forward" and hopes the AG would consider the Guadalupe Hidalgo Treaty Division a priority. Attorney General King said he is sure that Alvin Garcia, the assistant attorney general currently in charge of all land grant issues, will be a "major player".

Senator Martinez thanked Attorney General King for speaking to the committee, noting that "it's not everyday we get the actual attorney general to come to our meetings". He said the committee appreciates his support and commitment to land grant issues and that, while he understands the AGO cannot give support to every political subdivision in the state, he thinks it important that the AGO give "an extra helping hand" to land grants to help them "get on their two feet". He also suggested that someone from the AGO attend all LGC meetings.

Attorney General King said Alvin Garcia is an aggressive advocate for land grant issues and would like to be working on those issues full time. Noting that Alvin Garcia is a "young guy [with] lots of opportunities out there", Attorney General King added, "If you can find the resources...we'd love to be able to keep him".

Attorney General King said he requested staffing last year for the AGO's Government

Accountability Unit and thinks that may be why the legislature did not appropriate funds to staff the Guadalupe Hidalgo Treaty Division. This year, however, he does not expect to be requesting a lot of new staff positions, "so maybe this will bubble more to the top", he said.

Attorney General King said his budget requests are due September 4 and he expects a budget hearing before the Legislative Finance Committee (LFC) in November. Representative Rodella moved that the LGC submit a letter to the LFC supporting the AGO's request for an attorney, paralegal and administrative staff person for the Guadalupe Hidalgo Treaty Division. Senator Cisneros seconded the motion and the committee, acting as a subcommittee for lack of a quorum, approved the motion unanimously.

Representative Miguel Garcia said he and Vice Chair Martinez would appear before the LFC to emphasize the significance of the Guadalupe Hidalgo Treaty Division. Representative Miguel Garcia said he would also meet with the governor's contact person on land grant issues.

In response to a request from Representative Rodella, Attorney General King provided details on the upcoming public seminar in Chama about open meetings and public records. The gist, he said, would be "to avoid being scammed and separated from your money", to which Representative Miguel Garcia commented, "Maybe we can get the subprime lenders to go".

Senator Cisneros said that while it is important to teach land grant communities what is involved in becoming a political subdivision, it is equally important to provide formal training in fiduciary responsibility, especially because land grant communities will be receiving state and federal funding. Attorney General King said he will get his training coordinator to work on that.

Representative Miguel Garcia read the following aloud from Article 2, Section 5 of the Constitution of New Mexico: "The rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate". He said the federal Bureau of Land Management (BLM) and the United States Forest Service (USFS) have surveyed land grants and put in markers that encroach on land grant property, "knowing full well what the original documents stated were the boundaries". He said it is up to the attorney general, as the state's leading law enforcement officer, to pursue those inequities and up to the legislature to "uphold those conditions and rights". He said that is why the committee has pushed hard to get funding for the Guadalupe Hidalgo Treaty Division.

Representative Miguel Garcia said the last attorney general — Patricia Madrid — had a conflict of interest in funding the division because her husband was pursuing a lawsuit against a land grant. "She should have been up front", he said. "For four years she led us on and that's not right".

Representative Miguel Garcia said it is crucial that the AGO "stand up" to the federal government. He described the federal GAO report on the Treaty of Guadalupe Hidalgo as

"watered down" and a "real slap in the face". He vehemently disagreed with the report's conclusion that the loss of 60% of land grant property was "unintentional".

"It wasn't unintentional", he said. "It was clear-cut fraud. The Santa Fe Ring worked in collusion with the feds to take land from these people".

Representative Miguel Garcia suggested the AGO recontract with attorney David Benavides to finish his work on the response to the GAO report on the Treaty of Guadalupe Hidalgo. He said it is crucial that the state stand up to the federal government and that the Abiquiú Land Grant has a viable claim to make such a challenge. But, he added, "if our leading law enforcement officer doesn't fight at the federal level, we're blowing in the wind".

Attorney General King said he will work on those issues. He said he believes that because the AGO represents the interests of the state, those can include the interests of subdivisions of the state, particularly when dealing with the federal government. He asked the committee to be sure that Alvin Garcia knows the specifics of each case.

Audience Introductions

Representative Miguel Garcia asked audience members to introduce themselves. The land grants they represented included Abiquiú; Chililí; Jacona; Las Trampas; Nuestra Señora del Rosario, San Fernando y Santiago; San Ensanada; Santa Barbara; and Santa Cruz de la Cañada.

Land Grant Updates and Issues

Mr. Vigil of Nuestra Señora del Rosario, San Fernando y Santiago Land Grant introduced several members of the land grant's board and described some successes they have achieved, including:

- approving a watershed plan;
- acquiring a transfer station;
- planting 35,000 seedlings on land grant property;
- acquiring a grant to clear brush and build earthen dams and culverts for rotational grazing; and
- thinning out small trees and brush.

Mr. Vigil asked the committee's help in getting money to clean up trash in the land grant's arroyos and in determining whether Nuestra Señora del Rosario is a private or a community land grant in the eyes of the state. Representative Rodella noted that there is an important distinction in law between community and private land grants. Representative Miguel Garcia explained that community land grants were those grants that were given common lands in their original grants, which the boards of trustees now administer for the benefit of the members of those grants. This is in contrast to private land grants that were given to individual landowners. He said the rationale behind allowing community land grants to become political subdivisions of the state was to help protect them from further loss of lands and give them more control over zoning and other activities. He stressed that it was not a way of "taking over land grants by the politicos".

Representative Rodella complained about an article that appeared in the *Rio Grande Sun*, which she claimed erroneously accused the county of violating anti-donation laws by giving state appropriations to land grants for community centers. She stressed that land grants with political subdivisions are legally entitled to state money and moved that the committee draft a letter to the newspaper explaining the law. Senator Martinez seconded the motion, which the committee, still acting as a subcommittee, approved unanimously.

Senator Martinez, who sponsored a \$25,000 statewide appropriation for cleanup of illegal dumps, said he intended the money to be used by land grants. He said that while not all counties in the states have land grants within their boundaries, the legislature thought it would be easier to distribute the appropriations to the counties rather than have each individual land grant request the money.

Representative Bandy asked Mr. Vigil about the history of the Nuestra Señora land grant. Mr. Vigil deferred the question to former board member John Chavez, who now sits on the board of Santa Cruz de la Cañada Land Grant and personally hosted the LGC's meeting in Truchas. Mr. Chavez explained that in 1754, the Santa Cruz de la Cañada Land Grant became overcrowded and did not have enough of an agriculture base to maintain the population. Twelve individuals petitioned the king of Spain for their own land grant. He said the king granted them 25,000 acres of land after they met three criteria: 1) creating an acequia system; 2) building a church; and 3) building a central plaza. When Mexico took control, it recognized only 22,000 acres of the new land grant. Twenty-seven years later, following the Mexican-American War and the signing of the Treaty of Guadalupe Hidalgo, the United States recognized only 14,000 of those acres.

"Please don't give us any more land", Mr. Chavez said. "Every time someone gave it to us, it got smaller".

Representative Bandy asked what happened with the rest of the land. Mr. Chavez said 5,000 acres sit in the Santa Fe National Forest; 3,000 acres are managed by the BLM, which wants to build an all-terrain vehicle recreational park there — the so-called Fun Park; and 5,000 acres have been lost to privatization. That leaves about 10,000 acres of common lands, he said.

Representative Miguel Garcia said that becoming a political subdivision is a good thing for *mercedes* (land grants) because it means they retain control of their land. He said land grants such as Manzano, which claims to be a political subdivision even though it never registered with the secretary of state and is actually a statutory land grant, give other land grants a bad name. He stressed the importance of bylaws that say only people with direct blood lineage to the original land grantees can be considered heirs. Otherwise, he said, anyone can offer money to become a land grant member.

Delvin Garcia of the Abiquiú Land Grant discussed a number of concerns, including:

- reclaiming abandoned properties that are part of the land grant but that the Department of Game and Fish and the Española School District currently own;
- asbestos tile in Española's abandoned elementary school;
- getting some of Rio Arriba County's state appropriation money to build a park and whether the land grant could be its own fiscal agent on projects;
- cleaning up trash in the arroyos and river and preventing illegal dumping and the possibility of at least getting some dumpsters; and
- determining heirs to the land grant.

Representative Miguel Garcia said the legislature passed a bill in 2004 giving land grants with political subdivision status the right of first refusal on state-owned property up for sale. He also said the committee helped get some \$40,000 for the State Records Center and Archives to do certified abstracts identifying land grant property, which will save land grants thousands of dollars and give them standing to challenge government agencies on ownership.

Delvin Garcia said he heard that the Department of Game and Fish intended to dispose of a parcel of land within the grant. Representative Miguel Garcia offered to put Delvin Garcia in touch with the chief counsel for the department and invited him and other land grantees to the LGC's September 6 meeting in Chama to discuss directly with invited representatives of the BLM how to reclaim BLM-managed property within land grants. He said the BLM has a "funky" way of disposing of properties.

Representative Rodella asked Delvin Garcia if he contacted the Española school board about the abandoned land. Delvin Garcia said he has contacted the board once a year for the past 12 years with no results. He said the board invited him to its meetings, then uninvited him, asking him not to "open that can of worms".

Representative Rodella said she and other members of the committee could meet with the school board and urge it not to dispose of the property before giving the land grant a chance to buy it back. Regarding the BLM's abandoned property, she asked if the agency uses it. Delvin Garcia said no, that land grant heirs are grazing cattle there. Representative Rodella said the agency may want compensation for the land if it put any money into the property. Delvin Garcia said the BLM has not put money into the property during his lifetime, even though it should have invested in erosion control along the riverbanks.

In response to questions from Representative Miguel Garcia, Delvin Garcia said the Abiquiú Land Grant converted from a land grant to a livestock cooperative in the 1920s, though he said the decision may have been made by someone who was not a member. He said the state began taxing the land, but none of the heirs knew it until the land grant wound up in tax court. Representative Miguel Garcia noted that the federal government paid off the tax delinquency.

Senator Martinez advised Delvin Garcia to get himself on the agenda of a school board meeting to discuss the school district's abandoned land, adding that he would also be willing to meet with the board to convince it either to donate the property or sell it cheaply to the land grant.

Mr. Chavez told the committee that the Santa Fe National Forest is encroaching on the Nuestra Señora del Rosario, San Fernando y Santiago Land Grant with a 15-mile stretch of brass markers that he said are 1.2 miles beyond the forest's borders. He said the state has an obligation to rectify the situation under the Treaty of Guadalupe Hidalgo. Representative Rodella called this a "prime example" of the type of case the AGO should handle. Representative Miguel Garcia advised Mr. Chavez to meet with Alvin Garcia and provide specifics.

Mr. Chavez presented a brief history of the Santa Cruz de la Cañada Land Grant, which he described as "reconstituted". He said the land grant originally comprised 40,000 acres deeded in 1695 to Spanish settlers and later recognized by Mexico. But the United States only recognized 10% of that when it took control of the territory, restricted grantees to individual allotments and confiscated the common lands, he said. By 1897, the land grant was "defunct", but reorganized in 2004 as a historical land grant and a political subdivision, he said. Since then, it has received \$350,000 in appropriations, with \$150,000 going toward construction of an economic development facility for which the land grant entered into a joint powers agreement with the county, Mr. Chavez said. The facility will house a senior center, sheriff and fire department substations, a post office, the Chimayó Mutual Domestic Water Association and an office for the land grant. The county will own the land and the land grant will own the structure, he said. Representative Rodella advised Mr. Chavez to set the ownership down in writing. Mr. Chavez said that the land grant commissioned a genealogical study for the years between 1695 and 1880, which has made it possible to trace today's heirs back to the 1880s. He said approximately 200 descendants have registered with the land grant board so far.

Mr. Chavez noted that the land grants not only look after their members, but look after the community as a whole. He said the Nuestra Señora del Rosario, San Fernando y Santiago Land Grant was leasing to the Española school district 20 acres of land for \$15.00 a year until 1990, when the parties renegotiated the lease for \$50.00 a year. He said that the land grant also provides easements for all public roads. Senator Martinez suggested that, at the meeting with the Española school district, land grant members should remind the board members that the land grant has been "very friendly and generous" to the district and spell out the things the land grant has done for the community.

Chimayó Museum

Lorraine Vigil, executive director of the Chimayó Museum, gave a brief history and description of the museum. She said it was established in 1995 by a group of Chimayó residents who felt they wanted to preserve the area, which she said dates back to the 1700s and is one of the last intact fortified communities in New Mexico. She said the Plaza del Cerro, which houses the museum, is a "lived-in" plaza. "I consider it a gem", she said.

Ms. Vigil said the museum's collection includes artifacts dating from the 1800s as well as 75 photos of weavings and artwork by local artisans. Projects the museum has undertaken include:

- a community haunted house;
- a student art show;
- demonstrations of straw inlay, micacious clay pottery, carvings, etc.;
- Chimayó Festival of Arts studio tour;
- a DNA project to help determine the lineage of Chimayó residents;
- restoration of the Oratorio de San Buenaventura;
- a collaborative water bank; and
- hosting Elderhostel.

Ms. Vigil said the museum needs a new building and many of the existing structures on the Plaza del Cerro need restoration. She would also like a library for the village and a classroom for local children. "We have a lot of ideas but we're a small board with no money", she said.

Representative Miguel Garcia complimented Ms. Vigil on operating a museum in and about a traditional land grant settlement. "The things they do with so little — imagine what they can do with more", he said.

Senator Cisneros said he would be willing to sponsor legislation to get money for the museum, but advised Ms. Vigil that the money would be allocated to the county and she would have to make arrangements with the county to make sure the museum got it. Representative Rodella suggested that the Santa Cruz de la Cañada Land Grant could take ownership of the museum and buildings and then enter into a long-term contract with the museum to continue its operations.

Representative Rodella noted that she grew up in Chimayó, where she lived across from the Catholic church. She said she used to accompany her grandmother to the post office in the Plaza del Cerro everyday in hopes of finding a letter from her uncle in the military. "I appreciate all the hard work you and your family did with this project to preserve the cultural traditions of our ancestors", she told Ms. Vigil.

Lunch

The committee recessed for lunch at 12:45 p.m. and resumed at 1:30 p.m.

Land Grant Council Proposal

Arturo Archuleta of the North Central Economic Development District and Juan Sanchez of Chilili presented a discussion draft of a bill to establish a state Land Grant Cooperative Council that would be administratively attached to the Department of Finance and Administration. The council, much like a council of governments, would provide technical assistance to land grants, which he said are fighting an "uphill battle" because most lack the

expertise and resources to deal with regulations, as well as avail themselves of the tools, that accompany political subdivision status.

Asked how much the annual dues are for council of government members, Mr. Archuleta replied that it varied, but is often based on the population of the member. Asked what kind of appropriation would be needed to run the Land Grant Cooperative Council, Mr. Archuleta said it would cost about \$200,000 to \$250,000 per year for a staff of three. Councils of government get about \$75,000 per year, he said. Responding to further questioning about the proposal, Mr. Archuleta explained that there was already a New Mexico Land Grant Council that was empowered to do all the things allowed for in the bill, but that the member land grants could not afford to pay for permanent staff for the council.

Committee members expressed concern about the cost of creating another state agency; that having too many proposals at once in front of the legislature could hinder the committee's efforts to promote funding for the Guadalupe Hidalgo Treaty Division and the Land Grant Studies Program during the next legislative session.

Cleanup of Illegal Dumps Grant Program

E. Gifford Stack, outreach manager for the New Mexico Department of Environment (NMED) Solid Waste Bureau, said land grants are eligible to apply for grants to abate illegal dumping and fund recycling programs. He said the grant program receives about \$600,000 per year out of \$800,000 in revenue from a \$.50 per vehicle annual registration fee and covers two types of grants — one specifically for tires, which accounts for two-thirds of the budget, the other for non-tires. He noted that the program does not receive environmental disposal fees that customers must pay to new tire dealers.

Mr. Stack said the program received approval from the Environmental Improvement Division in April 2006 and awarded its first grant in June 2007. He said that after the next round of awards in late July or early August, \$150,000 in grant money will remain in the current fiscal year, with an October 1 application deadline. He urged land grants to apply, saying his department has had "a heck of a time trying to reach out to land grant communities, to be very candid". He complimented Mr. Boller and Mr. Archuleta on providing him recently with a land grant contact list and said the department sent a flyer about the grants to everyone on the list.

Representative Rodella said she was "perturbed" about the difficulties the NMED had in getting contact information for land grants. Noting that the secretary of state maintains a registry of land grants, she said, "I thought that would be sufficient to provide information to other state agencies". Mr. Stack said he took "full responsibility". Representative Rodella asked staff to make sure the land grant list is available at the Secretary of State's Office and on the state web site "so we don't encounter this again".

Representative Rodella wanted to know whether the NMED is providing a means to recycle tires. Mr. Stack said his department has a staffer dedicated to tire recycling and that the

NMED works with the Department of Transportation (DOT) to get communities to use tire bales for engineering applications. Roswell, for example, used about 650 tire bales on an embankment stabilization program, he said. Noting that the state generates 1.9 million scrap tires a year, he added, "If I were king for a day, I'd have the DOT use more rubberized asphalt in their product".

Senator Carraro asked about oversight of the grant money. Mr. Stack assured him that no grant gets approved without input from an enforcement officer, who does an on-site inspection.

Responding to a question from Speaker Lujan, Mr. Stack said the department gives grants to eight government entities per year. Since 2004, he said, the NMED has given away \$2.1 million in tire grants and just awarded its first non-tire grant for \$250,000.

Guy Eden, president of the Jacona Land Grant, of which Speaker Lujan is a member, said he had never heard about the NMED grants prior to Mr. Stack's presentation. He said his community has a problem with illegal dumping and would be "tickled to death" to get funding to clean it up.

Representative Miguel Garcia said it is uncommon for a committee to put a department secretary or division head on the "hot seat", but that it is important for Mr. Stack's division to realize that land grants have little or no staff, so it is up to the division to do outreach. "You've got to come out here and smell the roses and the *osha*", Representative Miguel Garcia said.

Filimon Sanchez, chair of the board of trustees at Las Trampas Land Grant, said his community has numerous illegal dump sites within the land grant. He said he would like the state and county to impose fines for illegal dumping. Mr. Stack said illegal dumping is a crime "flat out". He said his department has attended six summits with other states to discuss how to address the problem. But, he said, "there is no silver bullet. You can clean up the area and fence it off, as we've seen in Santa Fe County. But someone will come back if they want to dump there. They'll go around the fence, they'll cut the fence or they'll go 500 yards and, by God, they're going to dump. We need to explain what it does to the landscape, the costs, what it does to the community and the drastic negative impact on economic development".

Minutes; Approval of Subcommittee Recommendations

The committee voted unanimously to adopt the minutes of the July 23 and 24 meeting of the LGC. It also voted unanimously to approve the following recommendations of the subcommittee:

- to draft a letter to the LFC in support of funding for an attorney, paralegal and administrative staff person for the AGO's Treaty of Guadalupe Hidalgo Division; and
- to write a letter to the editor of the *Rio Grande Sun* explaining that Rio Arriba County did not violate the state's anti-donation laws by giving money to a land grant, which Representative Rodella said an article in the newspaper alleged.

Jacona Land Grant

Raymond Roybal gave a detailed history of the Jacona Land Grant, explaining that it was originally called the Pelaez Land Grant after Jacinto Pelaez, to whom the Spanish governor deeded the land in 1699. Mr. Roybal said Mr. Pelaez was a descendant of Pedro Robledo, who he said arrived with Don Juan de Oñate in 1599 and was the first of Oñate's party to die in New Mexico. He said the land grant sits on what used to be the Tewa villages of Jacona and Cuyamungue, whose residents abandoned the area.

When Mr. Pelaez and his wife died, said Mr. Roybal, they left the grant vacant. Mr. Roybal said his ancestor, Ygnazio Roybal, who was Pelaez' brother-in-law, claimed the land and won a private grant for 43,000 hectares — or about 100,000 acres — in 1702. Two years later, however, the Pueblo of San Ildefonso sued him for encroaching on its land and Ygnacio Roybal's land grant was revoked. In 1705, Ygnacio Roybal reapplied for the land grant, which he won minus the property belonging to the pueblo and minus all his former water rights. For \$50.00, according to Mr. Roybal, Ygnacio Roybal bought a quarter-mile wide strip of land along the Pojoaque River that ran through Cuyamungue, Pojoaque and Santa Cruz.

Ygnacio Roybal continued to buy property, winding up in 1754 with 363 "animal units", according to Mr. Roybal, who said that equals about 68,700 acres. Ninety-six years later, however, the heirs were allowed only 7,000 acres by the United States following the signing of the Treaty of Guadalupe Hidalgo. In 1909, said Mr. Roybal, the United States forced the Jacona Land Grant to become a community land grant, only to confiscate the land in 1928 for back taxes. Mr. Roybal said the land grant reorganized in 1985. He said grantees spent an "ungodly amount of money" in court to determine who the heirs are. They own neither water nor mineral rights, he said, and they cannot get a right of way from the surrounding pueblos for electricity, gas or telephone service.

"The land is completely surrounded by all the Indians in the valley", Mr. Roybal said. "What do we do? They get subsidized. We get *nada*. They have casinos. And a lot of people from our community spend at those casinos. We have no jobs. We don't have the same rights they do. They don't pay tax; we do. We do not have the rights the Indians have".

Guy Eden, president of the Jacona Land Grant Association, said the land grant needs the committee's help to survive. Without legal and other expert help, he said, the land grant will have to sell parcels one at a time "until we have nothing left". He said the land grant has already sold property "so cheap we might as well have given it to them".

Representative Miguel Garcia said the Jacona Land Grant probably is eligible for political subdivision status. He said additional research could determine why the state took the land back in the nineteenth century, but that "it smells a lot like a *mordida* Thomas Catron would have made". He acknowledged the "confused question of Indian Country jurisdiction", calling it a "heck of a question for us". Representative Miguel Garcia said he would be willing to visit with

the heirs of the Jacona Land Grant and urged them to apply for political subdivision status so they are no longer perceived as a "lowly nonprofit group".

"If you have political subdivision status, they have to negotiate with you", he said. "You become a player at the table".

Responding to questions from Senator Adair, Mr. Roybal said the asking price for Jacona Land Grant property is \$30,000 an acre. That compares to \$150,000 an acre elsewhere in the Pojoaque Valley, he said, explaining that the price is low because the land comes with no irrigation rights, only the right to drill a domestic well with water usage limited to 1.5 acre-feet — and probably less after the *Aamodt* water lawsuit is settled.

Senator Adair noted that if the land grant sells its remaining land for even just \$10,000 an acre, it stands to earn \$65 million. Mr. Roybal stressed that the consensus among grantees is to "keep the land in perpetuity" because "it's part of the heritage and inheritance of our ancestors". He added, "You're right — we could probably sell it for \$65 million and they'll put another Las Campanas on it".

Representative Thomas Garcia recalled that his family was offered \$12 million for their ranch some years ago, but his father refused, recalling what his father said his grandfather told a man who offered to buy the ranch for lots of money in the 1800s: "When you can make land, come talk to me again". Representative Thomas Garcia added, "You can't anymore put a price tag on land. There are things that are more important than money".

Speaker Lujan noted there could be resistance to Jacona becoming a political subdivision among land grant residents who own large shares of the property. "I think it needs to be recognized that owners have to be willing to give up their ownership so that all property belongs to the subdivision and to all those heirs", he said. He noted that there are currently 350 owners of a total of 100 shares in the Jacona Land Grant Corporation. Giving up personal control and ownership rights could mean giving up a \$10 million to \$15 million asset to some owners.

Attorney John Sena, who is a member of the Jacona Land Grant, concurred, explaining that the shares are not merely voting rights, but property rights. "When you force shareholders into a choice like this, it's a due process problem", he said, describing the problem — and the statutes — as "very complicated". Many members want to sell the land and be done with it, he said.

Senator Carraro suggested that the committee ask the attorney general to interpret the law. He also took umbrage that the Pueblo of Pojoaque revoked its lease on land containing an elementary school and turned the school into part of its casino.

Based on its history, Representative Bandy suggested that Jacona might function as a private corporation. He also suggested that if the state engineer has historically recognized the land grant's water rights and if the water has been put to beneficial use, the state engineer should

"go to bat" for the land grant. Speaker Lujan said the state engineer created the problem by accepting the court's ruling that the pueblo had aboriginal rights to the water.

Sebastian Martin Land Grant

Eliu Martinez offered a history of the Sebastian Martin Land Grant, which he said he pieced together by doing extensive research in the state archives and in the courts. He said the land grant comprises 54,000 acres bordered by Ohkay Owingeh and the San Ignacio de la Canoa and Las Trampas land grants. Originally granted by the king of Spain, the Sebastian Martin Land Grant was confirmed by Congress in 1859 after Mariano Sanchez applied to the newly created Office of the Surveyor General to be recognized as an heir according to the Treaty of Guadalupe Hidalgo, Mr. Martinez said. Congress issued a patent in 1893 to the heirs, namely Ramon Martinez.

Mr. Martinez said the land grant was put up for auction in 1906 but that the explanatory documents had been sliced into tiny pieces and were illegible. He suspects that the state auctioned it for back taxes that residents did not know they owed. He said the land went to the highest bidder, attorney James Freeman of Greeley, Colorado, who bought "the whole shebang" for \$10,000, but residents petitioned the court to get it back. Mr. Martinez said Mr. Freeman prevailed, but he did not want to kick the settlers off the land. He allowed them to graze cattle and gather timber, provided they kept away from his personal property.

Mr. Martinez said Mr. Freeman's widow sold the land to the federal government for \$35,000 after her husband died, according to a document he said he recovered from the BLM only after threatening the agency with a lawsuit. Today, he said, the BLM and the USFS control the land grant, which he would like to see returned to the heirs. But he said he needs the committee's help in doing that because the BLM and the USFS will not acknowledge that they are on land grant property. He suggested that this would be a good case for the AGO's Treaty of Guadalupe Hidalgo Division to take on because the land was lost due to a state action, i.e., the auction.

BLM Issues to Be Addressed in Chama

The committee talked about some of the issues it wants to discuss with the BLM at the upcoming LGC meeting in Chama, including:

- a possible memorandum of understanding with the state that land grants would be included in all BLM decision-making processes involving traditional lands;
- having the BLM explain how it disposes of land under its control;
- giving land grants the right of first refusal to repurchase from the BLM those properties that were once common lands (prompting Senator Carraro to say, "That could be like buying back your stolen car");
- putting a moratorium on the sale of common lands by the BLM;
- land grant boundaries and BLM encroachment;
- allowing heirs access to common lands under BLM control for traditional activities such as fishing, hunting, grazing and wood harvesting;

- BLM fees, permits and management issues on common lands; and
- enlightening the BLM about the committee's mission and how it functions.

The committee chair directed staff to invite a representative from U.S. Representative Tom Udall's office to the Chama meeting.

John Chavez reminded the committee that the BLM is planning to dispose of some 88,000 acres of land once it updates its plan for the Taos region, and 1,200 of those acres are within the Santa Cruz grant. He said that under BLM regulations, the state usually gets the first option to purchase surplus lands and, therefore, it is important for the state to step in and exercise this option on former grant lands in particular. Representative Bandy noted that the BLM will likely say that it cannot put a moratorium on land sales without congressional approval. Accordingly, he recommended that legislation being proposed to Congress this fall include a provision putting a moratorium on BLM land sales. Committee members also expressed support for the state to buy BLM land and resell it to land grants in the future.

The committee recessed at 6:11 p.m.

Tuesday, August 21

The committee took a bus tour of Nuestra Señora del Rosario, San Fernando y Santiago Land Grant, the Chimayó Museum, the Oratorio de Buenaventura and the Jacona Land Grant. The committee adjourned at approximately 1:15 p.m.

**MINUTES
of the
FOURTH MEETING
of the
LAND GRANT COMMITTEE**

**September 6-7, 2007
Chama Village Hall Gymnasium
Chama, New Mexico**

The fourth meeting of the Land Grant Committee (LGC) for the 2007 interim was called to order by Representative Miguel P. Garcia, chair, on Thursday, September 6, 2007, at 10:16 a.m. in the gymnasium of the Chama Village Hall in Chama.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Rod Adair
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Sen. Joseph J. Carraro
Rep. Justine Fox-Young
Rep. Manuel G. Herrera
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Rep. Paul C. Bandy
Sen. Carlos R. Cisneros
Rep. Thomas A. Garcia (9/6)

Rep. Ben Lujan
Sen. Phil A. Griego
Sen. Bernadette M. Sanchez
Sen. William E. Sharer
Rep. Eric A. Youngberg

(Attendance dates for members not present for both days of the meeting are in parentheses.)

Staff

Jon Boller
Kate Ferlic
Tamar Stieber

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Thursday, September 6

Welcome, Invocation and Introductions

Speaking in Spanish and English, Representative Miguel P. Garcia welcomed some 35 audience members to the LGC meeting. Committee members and staff introduced themselves following an invocation.

Representative Miguel Garcia explained that he is a land grant heir. He told the audience that the New Mexico Legislature worked with "people like yourself" to establish the LGC to help heirs uphold their right to defend the Treaty of Guadalupe Hidalgo. He urged land grants to register with the secretary of state as political subdivisions of the state, which he explained gives land grants the opportunity to buy back property within their boundaries at delinquent tax sales and prohibits adverse possession lawsuits against them. He thanked the Village of Chama for hosting the committee and providing breakfast and lunch. He recognized Chama Mayor Archie Vigil, who welcomed the committee and guests to the village, and Rio Arriba County Commissioner Felipe Martinez.

Commissioner Martinez said the Tierra Amarilla Courthouse raid in 1967 "is to Chicanos what Bloody Sunday is to black Americans (sic). It is also to Chicanos what Wounded Knee is to Native Americans". He described the land grant movement as a "profound awakening that has inspired generations of New Mexicans". He said the movement crossed into Colorado, where the Sangre de Cristo Land Grant got a favorable court ruling allowing heirs to access traditional lands for traditional purposes.

Stating that New Mexico is fortunate to have the only legislative committee in the nation devoted to land grant issues, Commissioner Martinez challenged the LGC to get funding for the Attorney General's Office (AGO) to complete its response to the federal General Accountability Office (GAO) report entitled, "Treaty of Guadalupe Hidalgo: Findings and Possible Options Regarding Longstanding Community Land Grant Claims in New Mexico". He said the report will not bring land grants any justice nor address the "chicanery and corruption by elected officials at the state and national level".

Representative Miguel Garcia said Attorney General Gary King told the LGC at its August 20 meeting in Truchas that he has budgeted \$20,000 to finish the AGO's response to the GAO report and hopes to hire attorney David Benavides to do the work. He said Attorney General King has also proposed to the Legislative Finance Committee (LFC) a \$500,000 budget item to fund the AGO's Guadalupe Hidalgo Treaty Division, which will deal only with land grant issues, and that LGC members will lobby before the LFC this year to enforce the importance of the Guadalupe Hidalgo Treaty Division. He added in Spanish that *mercedes* have rights against the federal Bureau of Land Management (BLM) and the United States Forest Service (USFS), which he said have encroached on land grant property. He said many land grants lost property "due to inaccurate surveys that the Forest Service and the BLM did in their early years, when they established their rights over our common lands".

Chama Valley Chamber of Commerce (CVCOC)

CVCOC President Bob Dela Hunt said his family has been in New Mexico for more than 300 years and was a land grant recipient. He said land grants were not simply rewards for good deeds done, but provided settlers with protection, and especially commerce, which gave rise to the railroad, the timber and mining industries and raising cattle. Today, he said, Chama's economy depends on agriculture, hunting, tourism, government and the oil and gas industry. He said 135 businesses belong to the local chamber of commerce.

Representative Miguel Garcia asked Mr. Dela Hunt if the area has seen an increase or decrease in agriculture, specifically "sheep herding and cow herding". Mr. Dela Hunt said agriculture has remained fairly stable in Chama, at least over the last 26 years. To a large extent, he said, larger pieces of land are still dedicated to agriculture.

Representative Hall asked who the largest employer is and where the Cumbres and Toltec Railroad, which he described as a "state jewel", fits into the area's economy. Mr. Dela Hunt said tourism is probably the largest industry in the area, with hunting as the number one draw followed closely by the railroad, which he said "actually experienced a profit" this year.

Representative Miguel Garcia asked how new subdivisions are affecting the harmony of the community at large. CVCOC Manager Rose Martinez said the chamber of commerce makes every effort to stay neutral on those sorts of issues. Representative Rodella suggested raising the issue with the county commissioners, including whether they are considering any new subdivisions.

BLM

Sam DesGeorges, manager of the BLM's Taos Field Office, apologized for the absence of Linda Rundell, state director for the BLM, whom the committee invited to the meeting. He said Ms. Rundell was meeting with her boss in Phoenix and that he would speak in her stead to address broadly how federal decision-making relates to BLM land use and management and how the BLM disposes of land. Land-use planning drives both issues, as it does for cities, counties or other agencies, he said. He distributed a pamphlet called "A Desk Guide to Cooperating Agency Relationships, 2005" to committee members. He also invited them to look at the BLM's 1988 "Taos Resource Management Plan" online or on a disc that his office can provide. He said the plan is being updated; the new version should be ready in two to three years.

Mr. DesGeorges explained that BLM land-use decisions are influenced by its interaction with the public, or "scoping", which typically involves public meetings that focus on:

- land ownership, including public lands available for disposal and public lands that a community might want to acquire;
- transportation and access, including roads and vehicles;
- mineral uses, including oil and gas development and sand and gravel resources;
- cultural and recreational resources;
- land uses, such as cemeteries, rights of way for power lines, water facilities, etc.; and
- "visual resource management", i.e., where things are in the landscape.

Mr. DesGeorges said that stakeholders "in many cases are not on the same page" with regard to those issues. The agency attempts to balance different perspectives when it draws up its long-range plans for public land, he said, with the majority of decisions made locally.

Mr. DesGeorges said land earmarked for disposal usually falls into one of the following categories:

- areas identified for future development;
- small tracts — 40 to 80 acres, e.g. — with no public access; and
- areas with special value that the public thinks should be managed in the public interest, such as wild and scenic rivers.

He said the BLM invites counties, municipalities and other agencies to participate in the agency's land-use planning process as "cooperators". Land grants with political subdivision status would have the same opportunity, he said. He referred to the pamphlet he distributed earlier and passed out another on the Recreation and Public Purpose Act, which he said describes the methods by which the BLM can provide federal land to communities or nonprofit organizations either at reduced prices or for free.

Representative Miguel Garcia said the state has made headway in upholding the Treaty of Guadalupe Hidalgo through "concrete action", including giving land grants the right of first refusal to buy state-owned property within their borders and to bid at public auction for privately owned land within their borders that has been put up for sale because of tax delinquency. He said he would like similar agreements with the BLM, which he said owns a lot of common land, some of which is in dispute.

"Some of these dispute areas are boundaries that the BLM still clings to knowing darn well that the boundaries were made inappropriately", Representative Miguel Garcia said. "But you still manage common land without regard to the people who owned it before the BLM took it over. Then there are initiatives going on that are upsetting to the environment, to the cultural traditions of the community, that totally discredit our families and communities. You're bringing in recreation activities that totally turn the community upside down".

Representative Miguel Garcia said BLM control of common lands has resulted in desecration of *campo santo* (cemeteries) because people tread over grave sites or because communities can no longer access the cemeteries. He invited Representative Bandy to suggest some different approaches the BLM might take in working with land grants.

Representative Bandy said he has grazed cattle on BLM land for 30 years and has "fought like hell with the BLM and worked cooperatively with the BLM at different times and on different issues". He said he is encouraged at the prospect of making land grants cooperating agencies, and that registering as political subdivisions of the state will give land grants status in the BLM's land decisions.

Noting that common lands have historically provided resources for members to graze cattle, harvest firewood and vigas, gather medicinal plants and engage in other traditional uses of the land, Representative Bandy said he thinks the BLM can agree to allow land grant heirs the same uses on BLM-managed areas that the state certifies as being part of a land grant. He said he thinks that sort of agreement could be made administratively rather than through an act of Congress and that it would be "great" for both the land grants and for the BLM to have local participation in land management and decision-making.

"I think everybody would be happier", he said, adding that the state would certify the elected representatives of land grants registered as political subdivisions "so you know who you're dealing with". Mr. DesGeorges said he thinks Representative Bandy's suggestions could be handled administratively and that the BLM takes pride in dealing directly with the community.

Representative Miguel Garcia asked what steps the committee should take to set those agreements in motion. Mr. DesGeorges said the BLM needs to know who the land grant board members are, who their representatives are and that any discussions or decisions will be made at a local level. This prompted Representative Miguel Garcia to castigate the BLM for allowing its agents to show up at meetings with land grant representatives "toting six-shooters".

"What does that say to the land grant — that we're willing to meet with you, but with armed agents? People in land grant communities are law-abiding and god-fearing", he said. "They may sound mean, but they won't raise a finger to hurt anybody".

Representative Miguel Garcia said the BLM has to make an "attitudinal change" to negotiate with land grant leaders and boards of trustees on a friendly basis. That will happen through "actions, sincerity and understanding history", he said, and not by "pass[ing] the buck". He said federal agencies like the BLM and "*las forestas*" (the USFS) give land grant communities "big-time headaches" because they still own a part of the commons. "That's why people are destitute — because you own the common lands", he said.

Saying "ditto to all the chairman's remarks", Representative Rodella asked for an update on the proposed Fun Valley all-terrain vehicle (ATV) recreational park in the Truchas Land Grant. Mr. DesGeorges said the BLM is looking to scale down the project and change its name — perhaps to El Palacio. He said the BLM has had informal discussions on the project with the land grant representatives and said he is offering an "open invitation to any of the land grant representatives to sit at the table with us".

"I would at least hope you will let them know when you have meetings so they can be at that table", Representative Rodella replied. She also wanted to know what the LGC can do to expedite a proposed land transfer between the BLM and the Santa Cruz de la Cañada Land Grant and expressed frustration that the transaction is taking so long to complete. Mr. DesGeorges said he is not familiar with the land transfer, but that he would like to know more about it. Representative Rodella also said she is concerned that land grants are not being consulted about

a proposed wildlife conservation area near Questa and requested that the BLM consult affected land grants. Mr. DesGeorges said that U.S. Senator Jeff Bingaman, who has proposed legislation for the conservation area, and his staffers have been discussing the issue with land grants.

Representative Rodella said she has received numerous calls from constituents who have been fined for fishing in Pilar. She said they paid \$5.00 for their fishing permits, then received \$100 fines for parking in a BLM lot. Mr. DesGeorges said that volunteers issued the fines in error and the BLM sent out letters of apology.

Senator Martinez also called for a progress report on the proposed Fun Valley ATV park and said he plans to oppose it "if it continues on the same projected flight". He also complained about land transfers taking so long and that, as a result, two schools could not be built in Alcalde because construction costs doubled in the six years it took to complete the transaction. Mr. DesGeorges said that the school district chose to complete the land transfer through Congress rather than administratively through the BLM, and thus it took longer. Senator Martinez replied that the school board chose to go through Congress because the BLM was "not moving the ball". He said county officials have complained to him that it takes twice as long to get results from Taos than from any other BLM field office.

Representative Miguel Garcia recognized former Rio Arriba County commissioner and long-time land grant activist Moises Morales, saying he "applaud[s] his efforts in that area".

Representative Hall asked what provisions the BLM has made for heirs to the Abiquiú Land Grant to get to their cemetery between Abiquiú Lake and Christ in the Desert Monastery. Mr. DesGeorges said he thinks that is USFS, and not BLM, land. Representative Hall also wanted to know if the BLM can return land to a land grant without receiving compensation. Mr. DesGeorges said the BLM requires compensation and that the price depends upon its fair market value. He added that there are "complexities" in transferring common lands now managed by the BLM and that doing so requires adhering to the 1976 Federal Land Policy and Management Act (FLPMA). Those decisions are made at the national level, he said.

"Land grants lose again", Representative Hall replied. "Most [heirs] don't have the means to travel and participate in national discussions". Saying that "outside interests are getting preference at the table...and land grants are updated later", he told Mr. DesGeorges that the BLM must include land grants in discussions because they are political subdivisions of the state. Noting that he is not part of a land grant, Representative Hall stressed that he, along with the rest of the committee, nonetheless is dedicated to equity for land grants. "We need to get across to your boss and her bosses in Washington how important this issue is to us and to make some real headway in getting things done".

Representative Hall reinforced Senator Martinez's comments about the BLM's Taos Field Office, saying, "I work with ranchers throughout the state and the Taos office is the one with the worst reputation for giving [priority] to outsiders".

Representative Thomas Garcia requested copies of the BLM's Code of Federal Regulations so the committee can understand the land transfer process, i.e., the various processes by which the agency may transfer land, who the stakeholders are and the chain of transfer, including who gets priority and the right of first refusal. He also requested a copy of Senator Bingaman's draft bill for the proposed wildlife conservation area near Questa.

Senator Cisneros asked if the BLM has considered opening field offices closer to Española and other more populated areas within the Taos Field Office's jurisdiction. Mr. DesGeorges said that "desire is one thing, money is another". Mr. DesGeorges' responses to additional questions from Senator Cisneros were as follows:

- the proposed wildlife conservation area encompasses about 218 acres and has no water rights;
- the proposed Fun Valley ATV park will probably be smaller than originally thought and have a different name — perhaps "El Palacio special recreation area", which he said is more in keeping with the local "ethic"; and
- the BLM is "quite frankly...at a loss of what to do" to prevent abuse of the ATV park that could cause erosion and interfere with runoff. The only way to tackle the issues, he said, is through education because the BLM does not have the staff to patrol the area.

Senator Cisneros said he is concerned that restrictions and fees resulting from designating lands as conservation or recreational areas will result in the demise of grazing and other traditional agricultural uses of the land. He suggested offering assistance to "local folks" who cannot afford to pay even \$3.00 for a fishing license. Mr. DesGeorges said he has no authority over fees, but suggested that people can do volunteer work — pick up trash, thin brush, work on trails, etc. — in exchange for free access.

Representative Bandy made a motion, seconded by Senator Martinez, to direct staff to draft a letter to the BLM and to the New Mexico congressional delegation requesting that they meet with leaders of the New Mexico Land Grant Council to offer workshops and seminars in different areas of northern and central New Mexico to explain how, as political subdivisions of the state, they can become a cooperating agency with the BLM for the purposes of land use and management. The motion passed unanimously.

Representative Miguel Garcia asked Mr. DesGeorges to meet with Arturo Archuleta of the New Mexico Land Grant Council and Juan Sanchez of the Chililí Land Grant to get the word out to the land grants and to his bosses.

Representative Miguel Garcia invited comments from the audience. Mr. Morales said the \$20.00 that the BLM charges per cord of firewood is too much and it should offer the wood for free; that dealing with the BLM and the USFS on grazing issues has been a "nightmare"; and that new subdivisions are taking away what little water is left in New Mexico.

Mr. DesGeorges responded that the BLM usually charges \$10.00 a cord for firewood — more if the agency cuts and stacks it; that some of the grazing permits the BLM manages in and around Chama "have been held by the same families forever"; and that, as far as he knows, his field office has done nothing to abuse grazing permits.

John Chavez of the Santa Cruz de la Cañada Land Grant was skeptical at Mr. DesGeorges assertion that the BLM does not have even "a single officer" to patrol the 19,000 acres sandwiched between Truchas, Chimayó and Ohkay Owingeh. He said ATV users cut fences and destroy crops on land grants and tribal property. "I'm not very happy with Fun Valley", he said, "even if you change the name to El Palacio". Mr. DesGeorges said the issue frustrates the BLM and asked for help and ideas to prevent abuse by ATV users.

Pablo Martinez of Questa said he reads the *Taos News* every week and he has never seen an advertisement for volunteers to swap work for BLM passes. He said the Amigos Bravos have been taking advantage of those passes for three years because they are aware of them. "If you make the rest of community aware, they'll probably show up, too", he said. Mr. Martinez said that while the BLM is trying to create a conservation area south of the Colorado border, north of the border it wants to open land up for gas drilling and mineral development. "Do you want to preserve the area or destroy it?", he asked. "You guys have to decide, but do it equitably — or prepare for the worst because we can deliver that, too".

Alberto Baros from Rio Arriba County asked Mr. DesGeorges to define public lands, expand on the concept of multiple use and explain how that affects wilderness areas. Mr. DesGeorges said land use is subject to the FLPMA, which identifies rights of way, mineral sales, land exchanges, etc., and since 1976 has disallowed the BLM to dispose of vacant public lands at its discretion, directing it instead to plan for "orderly management" of those lands. He said the BLM by law identifies wilderness areas and places them in "interim wilderness management" until Congress decides to release them or make them "full-blown wildernesses".

Representative Miguel Garcia invited Agrapito Candelario to say grace. The committee recessed for lunch at 1:03 p.m. and resumed at 1:52 p.m.

Jicarilla Apache Nation

Representative Miguel Garcia recognized Jicarilla Apache Nation President Levi Pasata and his wife, Verlinda. President Pasata said the Jicarilla Apache Nation faces many of the same issues as land grants; that the Tierra Amarilla Land Grant was deceived because much of its land ended up in private hands. "We call these people thieves", he said. "This land was yours. It rightfully belongs to all of you. It really bothers me when you go up Brazo Canyon...and people chase you off. For lack of a better word, that's bullshit".

President Pasata said land grants need to pressure New Mexico's congressional delegation, though he said Senator Pete Domenici "won't even meet with us". He offered his help to the land grant in dealing with the state and with Washington, D.C.

Noting that her husband, Tommy, is Verlinda Pasata's first cousin, Representative Rodella thanked "Levito" for addressing the committee. She said she noticed when she visited President Pasata in his backyard that county roads had been fenced off by developers and others who have bought property in the area. She said the Rio Arriba County Commission seems unaware of it, but that she hopes the issue can be resolved.

U.S. Congressman Tom Udall

Ms. Ferlic recognized Anna Rael-DeLay from Congressman Tom Udall's Santa Fe office and read aloud a letter from the congressman. Representative Rodella asked staff to summarize the day's discussions and forward it to the congressman and the rest of New Mexico's congressional delegation. Representative Miguel Garcia said staff should relay the minutes from all LGC meetings to the delegation, including Congresswoman Heather Wilson and Congressman Steve Pearce. He directed Ms. Rael-DeLay to ask Congressman Udall to send a staff member to every LGC meeting instead of waiting for a specific request.

Representative Thomas Garcia said the committee should send correspondence directly to Ms. Rael-DeLay to avoid the "horror story" that he experienced when he was the staffer in Congressman Udall's office in charge of land grant issues. He said he often received letters written five to six months earlier that had been mailed to Washington, D.C., instead of to him. He suggested that the committee contact each delegation member to identify the local staffer and mail all correspondence to that person. Representative Miguel Garcia directed staff to do that.

Department of Game and Fish

Patrick Block, assistant director, Department of Game and Fish, and R. J. Kirkpatrick, the department's Wildlife Management Division chief, presented a brief history of the Edward Sargent and W.A. "Bill" Humphries wildlife areas, their economic contributions to the surrounding communities and the possibility of returning them to the land grant communities to which they originally belonged.

Representative Miguel Garcia, citing from a report by former State Historian Robert Torres, said the State of New Mexico owns more than 44,000 acres of former common lands within the Tierra Amarilla Land Grant. He said the committee agrees unanimously that the state should not own property that once was common land and that it should return any such land to the land grant heirs. He urged land grants to get a copy of the report and said the LGC will make it available. He said the LGC got a \$45,000 appropriation to commission certified title abstracts on specific land grants that will show erroneous land transfers. That should give land grants a better opportunity to get back their land, he said.

Mr. Kirkpatrick said the state purchased the 20,208-acre Sargent Wildlife Area in 1975 from the Nature Conservancy. Seventy-five percent of the funds came from the U.S. Wildlife Service; 25% from the Department of Game and Fish. He said the state, using the same funding formula, purchased the 10,950-acre Humphries Wildlife Area in four parts between 1967 and 1980.

Mr. Block recounted the legislative history of acquiring wildlife habitat areas beginning in the 1930s, when Congress enacted legislation providing for federal excise taxes to be distributed to the states for wildlife programs. Because the federal government maintains an ownership interest in those properties, their sale or transfer must be conducted according to their fair market value, he said. If the state gives those properties back to the land grants, it would have to compensate the federal government with similar property or reimburse the federal government for the hunting and fishing license fees that help maintain the land. Also, he said, the state would lose \$11 million a year in federal funding.

Representative Miguel Garcia asked about the economic benefit to the local communities from the Sargent and Humphries wildlife areas. Mr. Kirkpatrick said a memorial was introduced in the 2006 legislative session that requested the information, but he was not sure if the memorial passed. He said hunters contribute significantly to the local economy with purchases of gas, lodging, food, etc.

The committee had a number of questions about hunting licenses, to which Mr. Kirkpatrick gave the following information:

- the department offered 156 elk licenses for this fall, including 41 archery hunts, 70 mature bull hunts and 45 antler-less hunts;
- 78% of this year's elk hunting licenses went to New Mexico residents;
- of the 22% of nonresident elk hunting licenses, 12% went to people using an outfitter;
- all licenses are issued by a random public drawing (lottery) with equal odds for residents and outsiders;
- license fees are as follows:
 - residents: a) cow elk, \$50.00; b) bull elk, \$80.00;
 - nonresidents: a) cow elk, \$315; b) bull elk, \$525; and
 - quality hunts, \$750; and
- most hunts in the area occur on private land or on the Jicarilla Apache Nation.

Representative Hall asked about an incident in 1990 in which locals moved their sheep into the Humphries Wildlife Area to graze, which is forbidden in designated wildlife areas, and law enforcement officers arrested them. Mr. Kirkpatrick called it a "controversial moment" in the history of the area. While he said that the incident "brought to the table the recognition" that local people rely on grazing to make a living, he stressed that designated wildlife areas benefit wildlife and that livestock and grazing are — or at least once were — considered "deleterious to that mission". He said there is growing awareness, especially in the west, that if livestock grazing is done "properly" — i.e., if it is rotational, intense and done according to a seasonal time line — it can be beneficial to elk. He said the Department of Game and Fish has discussed using livestock grazing to improve wildlife forage and has considered a study in a controlled area. He said he is "remiss" in not moving the idea forward more quickly.

Representative Hall said he is wary of moving cows and sheep on to the Humphries Wildlife Area and that the department should meet with the different stakeholders — locals, including people who raise sheep and cows, environmentalists and other interested parties — to

come up with a reasonable agreement. He asked about the "open gate program" by which the department pays private landowners to open their property for hunting and fishing. Mr. Kirkpatrick said the program not only provides economic benefits to local residents, but allows hunters to get to public lands that are otherwise inaccessible because they are surrounded by private property. He said the department wants to amend the rules of the program so that landowners can limit the number of hunters on their property. He also said land grants can now participate in the program.

Representative Miguel Garcia asked about the transfer of 32 acres in Abiquiú, currently owned by the Department of Game and Fish, back to the land grant. Mr. Block said land owned by the agency must be disposed of at fair market value, and he thinks it would require a joint resolution by the House and the Senate. On a motion made by Representative Rodella and seconded by Senator Martinez and Representative Hall, the committee voted unanimously to have staff draft a Senate or House joint resolution to dispose of the Abiquiú property, if necessary. Mr. Block said his department will look at the federal regulations to make sure they are in concurrence with any proposed resolution.

Representative Thomas Garcia expressed concern that the department relies on the "honor system" in determining the number of hunting permits it allows on private property. He said his family only gets five permits while a neighbor with less viable hunting land might get 50.

"There needs to be some type of equity", Representative Thomas Garcia said. "When someone owns acreage with one pond and a strip of land, common sense says there's not enough [elk] population there. For them to get as many permits as someone with better acreage and plenty of ponds and better forage is not fair". Mr. Block acknowledged that "one thousand acres of dirt doesn't provide as much as a hundred acres of bottom land" and assured Representative Thomas Garcia that the department does random spot checks and audits to make sure that landowners are correctly representing their property.

Representative Rodella said many constituents do not draw permits for years at a time. Mr. Block said they might be applying for the most desirable permits, for which there is great competition. "I liken it to a horse race", he said. "If you bet on one race a day and a hundred-to-one long shot, you won't win often. If you bet every race and bet even money, you'll have a better chance to win". Or, he said, it might be "recollection bias". Mr. Block said the department did a study on the issue and found that only 4.5% of applicants draw no permit in four years.

Mr. Block said the department conducts the draw in-house, that it is audited and is not connected to payment. If a credit card is declined, he said, the application is still processed but is not mailed until payment is received. He said the department assesses a \$6.00 processing fee on all applications, not just the successful ones; dollar figures are on the department's web site.

Representative Rodella reprimanded the Department of Game and Fish for not informing the community when it closed the Sargent Wildlife Area for quality hunts. She urged the department to communicate better with stakeholders. Mr. Block said the closures were to prevent harm to people who might wander into the area during a hunt. He said it would be "edging toward inappropriate" not to close the area. Because hunting is second to recreation in priority, he said, the department only closed portions of the area. He said it will get word out earlier next time.

Representative Rodella said that if the Department of Game and Fish cannot return land to the Abiquiú Land Grant, she wants an agreement with the department allowing heirs to use the land for fishing, hunting and other traditional activities. She referred to the Sangre de Cristo Land Grant in southern Colorado, which sued and won for the right for heirs to access public lands within their ancestral borders for traditional uses.

Representative Miguel Garcia said the department should get rid of some exempt jobs and, instead, hire a nonexempt land grant liaison. He then opened the floor to the audience, whose questions and comments included:

- poison introduced into the Rio Costilla to kill rainbow trout, in order to ensure the genetic purity of the Rio Grande cutthroat, has entered the watershed because dead fish are floating three to four miles down river;
 - Mr. Block said the department conducted studies showing that the poison dissipated and that there were no toxins downstream. He suggested that the fish are dying upstream and are traveling down river with the current; and
- the department issues hunting permits on private land with fewer than 50 acres, which puts land grant residents in danger of being shot by hunters;
 - Mr. Block urged the community to make its concerns known so the department can incorporate them in its game commission process.

Land Grant Updates

John Dennis Wells, president of the Tierra Amarilla Land Grant, asked for a moment of silence in honor of four heirs who died recently, including Amador Flores. Mr. Flores won back more than 200 acres of land grant property in the early 1990s from a private developer in Scottsdale that was planning to build a 500-acre subdivision. Mr. Wells noted that the Tierra Amarilla Land Grant organized prior to legislation allowing land grants to register as political subdivisions of the state. Among the topics he discussed were problems with heirs "coming out of the woodwork", dealing with the BLM and real estate brokers run amok. Mr. Wells said he wants all real estate purchases in the Tierra Amarilla Land Grant to be handled through its board, and the land grant should get commission on all sales.

Mr. Wells said the Tierra Amarilla Land Grant originally comprised 670,000 acres of community property under the Treaty of Guadalupe Hidalgo, but that the GAO report incorrectly calls it a private land grant. Today, he said, not more than 10% of the land grant belongs to the heirs and that is a "breach of contract between the United States government and the heirs of the Tierra Amarilla Land Grant and *Méjico*". He said the land grant wants to annex the town of

Cebolla because that is where its southern border begins. He also said heirs cannot afford elk hunting permits in the Sargent Wildlife Area, where hunters pay a high price for trophy elk. "We have the right to get elk and deer for our bellies, not for trophies", he said.

Mario Martinez, vice president and spokesman for the Tierra Amarilla Land Grant, said he wants to correct a misconception about his great-great-grandfather, Francisco Manuel Martinez, who he said was the original grantee of the land grant. Contrary to popular opinion, he said, Francisco Manuel Martinez did not sell the land to Thomas Catron, but deeded it to the settlers in 1847. He said Francisco Manuel Martinez died in 1874 — seven years before Catron acquired the land. He said someone else sold the land to Catron in an unsavory deal and that blaming it on his great-great-grandfather is "poison".

Mr. Martinez said he is happy to hear game and fish representatives acknowledge that the land they manage does not belong to the department, but to the land grant. He said he knows the department did not steal the land, but that it bought land someone else stole. He suggested that the department deed it back to the land grant but continue to manage it as usual. "Keep your money but pay us for the use of the land", he said, adding that elk hunting is "a great business — we don't want it to go away".

Mr. Martinez asked the committee for a "letter of endorsement" so that the Rio Arriba County Commission acknowledges the land grant as a political subdivision. Representative Miguel Garcia said the land grant does not need an endorsement from the committee, but that staff could help it draft a letter to "seek out what's already in the law and use that as testament as to who you are". He said the committee will not abandon the land grant because Tierra Amarilla was "where Thomas Catron and the Santa Fe Ring did their experiments. This was their laboratory". Representative Rodella said she would get a certificate from the House and Senator Martinez, who also represents the district, would get one from the Senate.

Leonard Martinez, president of the San Joaquin del Rio de Chama Land Grant, asked why heirs must pay for permits to harvest wood from national forest land within the boundaries of their land grant. He said representatives from the USFS told him there are areas where heirs can harvest wood for free. But, he said, "we want access to all of them, not just where they tell us". Mr. Martinez said the land grant maintains a cemetery in the national forest but the USFS must do an archaeological study before anyone else can be buried there, and the department still has not gotten funding for the project.

Mr. Martinez said the Jicarilla Apache Nation is 50 years ahead of land grants in getting compensation for land taken from them. Noting that his great-great-great-grandmother is Jicarilla, he said there are close ties between Native Americans and Hispanic people whose families have been in northern New Mexico for generations. He called the Jicarilla a "moving force in getting compensation and getting land returned to the *herrerros*". Mr. Martinez said that naming parks, counties, etc., after Thomas Catron and others who stole their land is a "disservice to what we've gone through. To land grant heirs, these men were more than thieves".

Representative Rodella requested that Ms. Rael-DeLay from Congressman Udall's office assist the San Joaquin del Rio de Chama Land Grant in discussions with the USFS about collecting wood. She also suggested that the Department of Finance and Administration (DFA) help the land grant, which has political subdivision status, to get the \$50,000 she appropriated for it to purchase buildings. Senator Martinez pointed out that the Santa Cruz de la Cañada Land Grant partnered with Rio Arriba County, which acts as a fiscal agent for the land grant, but he agreed that the DFA needs to help land grants serve as their own fiscal agents "so we can appropriate money for you guys". Representative Miguel Garcia said the LGC's next meeting in Anton Chico will feature a presentation by the DFA on capital funding projects as they relate to land grants.

Rio Arriba County Commissioner Martinez, who was scheduled to speak, said he did not have a formal presentation because he did not know he was on the agenda. Representative Miguel Garcia apologized to Commissioner Martinez for not being notified and directed staff to be sure to contact all presenters before committee meetings. He said that he and Representative Rodella are particularly concerned that the county is closing public roads and allowing encroachment into some of the road systems. He said the problem is not unique to Rio Arriba County and the Tierra Amarilla Land Grant, but is also happening in Mora County and the Mora Land Grant.

"A rich *tejano* comes in, buys property for millions of dollars and the first thing he does is he fences the public road", Representative Miguel Garcia said. "Then he takes access of the historic trails where the old villagers have historically taken sheep up and down to the high country. He puts his boundaries in historical pathways and creates tension and lots of problems".

Representative Rodella asked specifically about Stagecoach Road in Ensenada, where someone put up a barrier. Commissioner Martinez acknowledged that the county is experiencing encroachment on county roads, but said the section of Stagecoach Road to which Representative Rodella referred has been closed for at least 15 years. Representative Rodella assured Commissioner Martinez that the road has not been closed for 15 years. She also asked him to explain why the county has approved several subdivisions within land grant boundaries.

Commissioner Martinez said only one development has been approved. Another, for a 53-acre subdivision within the boundaries of the Tierra Amarilla Land Grant, is still pending. He said the pending subdivision will generate nearly \$6 million in tax revenue for the county. "How do I explain that the county denied an application that will reward the county with \$1 million per year into the future?", he asked. Representative Rodella, noting that the pending subdivision will have 68 homes, said the land grant "doesn't want this area to be another Taos or Santa Fe where locals are driven out... This will have an impact on the property values of the people native to this area". She said constituents are also concerned about water. She said it is important that the county "engage in a dialogue" with residents affected by new developments.

Representative Rodella said she was perturbed by a comment the commissioner made about the county charging fees to accommodate appropriations for land grants. She said she

would "hate for the county to assess an administrative fee to oversee projects. They're vital to the economy of these rural areas. In the end, the benefit of these projects is to the constituency, yours and mine. I think it would be a disservice to residents of the county". Commissioner Martinez said that land grants would have to pay a 5% or 10% administrative fee to anyone it hires to act as a fiscal agent. He said the county is not doing that and he is not suggesting it should, "but I would just rather have the DFA appropriate money directly to the agencies and not go to the county".

Representative Miguel Garcia asked Commissioner Martinez to summarize the meeting the commissioner attended earlier in the day on grazing in the Valles Caldera National Preserve. The commissioner deferred, saying he had to leave the meeting early because he was on the LGC agenda. Senator Martinez pressed him, asking if the meeting was well attended and if there was consensus. Commissioner Martinez said that the meeting was standing-room-only, but that he left immediately after giving a presentation and could not comment on the outcome.

Public Comment

Mr. Morales said he wants to send a message to the GAO that its report on the history of land grants in New Mexico — which says any loss of land grant property was unintentional — is wrong. Representative Miguel Garcia said the AGO has \$20,000 to respond to the report. He urged land grant members to encourage the attorney general and the governor to fund the AGO's Guadalupe Hidalgo Treaty Division, which will investigate violations of the treaty.

Randy Bevis said he just bought property and title insurance in the Tierra Amarilla Land Grant and wants to make sure the committee has no intention of "subrogating existing private property rights". Representative Miguel Garcia said the committee's intent is to pursue state law and allocate property to land grant communities "in terms of their proper role as empowered ancestral landholding communities of our state". Stating that "there's no question about the appropriateness of that behavior", Mr. Bevis said there remains a "question about the taking of private land". Representative Miguel Garcia responded, "No way is the committee advocating that; rather, in the legislation we enacted we put in provisions that protect private property rights at the behest of the title insurance industry".

Other issues that audience members raised include:

- concerns about wealthy people buying land grant land;
- real estate agents misrepresenting land grant property that they are trying to sell;
- putting a moratorium on land sales within land grant boundaries; and
- that fewer elk hunting permits are going to private landowners while more are going to outfitters.

Representative Miguel Garcia recessed the meeting at 6:11 p.m.

Friday, September 7

Land Grant Tour

The committee and staff took a bus tour of La Puente, Los Ojos, Tierra Wools and the Edward Sargent Wildlife Area.

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**MINUTES
of the
FIFTH MEETING
of the
LAND GRANT COMMITTEE**

**October 11-12, 2007
Maestas Lounge
Anton Chico Land Grant
Dilia, New Mexico**

The fifth meeting of the Land Grant Committee (LGC) for the 2007 interim was called to order by Representative Miguel P. Garcia, chair, on Thursday, October 11, 2007, at 10:31 a.m. in the Maestas Lounge, located in the Anton Chico Land Grant, Dilia, New Mexico.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair (10/12)
Sen. Rod Adair (10/11)
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Sen. Joesph J. Carraro
Rep. Justine Fox-Young
Rep. Manuel G. Herrera
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Rep. Thomas A. Garcia

Rep. Paul C. Bandy
Sen. Carlos R. Cisneros
Sen. Phil A. Griego
Rep. Ben Lujan
Sen. Bernadette M. Sanchez
Sen. William E. Sharer
Rep. Eric A. Youngberg

(Attendance dates for members not present both days are in parentheses.)

Staff

Jon Boller
Tamar Stieber

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Subcommittee

Numerous LGC members were absent due to a conflict with the interim Los Alamos National Laboratory Oversight Committee, which was meeting at the same time. For lack of a quorum, the LGC met as a subcommittee.

Introduction and Welcoming Remarks

Speaking in Spanish and translating into English, Representative Miguel Garcia welcomed some 50 people, about half of them students from the Anton Chico School, to the meeting.

After an invocation by *hermano* Julian Baca from Anton Chico, Representative Miguel Garcia noted that this was the first time the LGC has met in Anton Chico. He told the students they are "kind of making history, or seeing history in the making, *aquí*" and explained that the committee takes pride in the customs and traditions of northern New Mexico. As such, he said, the committee always starts its meetings with a prayer. "In land grants, we always try to work with religious leaders", he said. "We have a lot of respect for them. They not only keep religious traditions alive, but also agrarian customs alive".

Representative Miguel Garcia said he is an heir to the Atrisco Land Grant, established in 1640 as an *estancia* (large ranch). There, he said, "many rich *hispano* people used the labor of the Indian people to produce wealth. Then the pueblos kind of threw out the Spanish people in 1680, and for 12 years, the Spanish were not seen in New Mexico until 1692".

Representative Miguel Garcia recognized former New Mexico Lieutenant Governor Roberto Mondragon, who is president of the Anton Chico Land Grant, and Anton Chico Land Grant Board members Cristobal Marquez, Felipe Tenorio and Delfinio Montaña. Lieutenant Governor Mondragon said the Anton Chico Land Grant has requested the return of land grant property that is currently in the hands of the United States Forest Service (USFS). He said that members of the Land Grant Forum are working with New Mexico's congressional delegation to pass legislation to set up a trust fund to "reconstitute" land grants and to make up for the "wrongdoings in the process of taking over our land in the last 160-some years" since the signing of the Treaty of Guadalupe Hidalgo.

Representative Miguel Garcia asked audience members to introduce themselves. They represented the Anton Chico, Chilili, Mora, San Miguel del Bado and Tecolote land grants. One member of the audience complained that he did not hear about the meeting until the night before and said that, with more notice, more people would have attended. Representative Miguel Garcia told him that meeting notices appear in newspapers and on the radio, but if people do not get the newspaper or listen to the radio, "that's *una otra cosa*". Representative Miguel Garcia

said he encourages notification by word of mouth, too, and commented that the meeting had a good turnout nonetheless.

Representative Miguel Garcia gave a brief history of the LGC, explaining that the committee first met in 2003, although he and Juan Sanchez of the Chilili Land Grant had been working since 1998 to get the committee started. By getting legislation passed in 2003 allowing land grants to register as political subdivisions under Chapter 49, Article 1 of the New Mexico statutes, land grants now have the same status as city councils; school boards; and irrigation, conservation and water districts and are no longer seen as "lowly, nonprofit fringe groups", he said.

"This is real important because in past years, the governments always looked down on *mercedes*", Representative Miguel Garcia said. "We, as legislators, said, 'No'. We have a constitutional responsibility to uphold the Treaty of Guadalupe Hidalgo".

Representative Miguel Garcia said that includes getting state agencies to return properties that were once common lands. He singled out the Department of Game and Fish, saying, "*Ellos tienen mucho* common land. You might say we've been fighting that battle for years". For example, he said, at the committee's previous meeting in Chama, it voted to draft a bill to transfer 36 acres of common lands from the Department of Game and Fish back to the Abiquiú Land Grant. Because the Abiquiú Land Grant is registered as a political subdivision of the state, the department has agreed to ask the State Game Commission to make the transfer administratively — without any legislation — from one governmental entity to another.

Representative Miguel Garcia said Abiquiú converted from a land grant to a livestock cooperative in 1930 in exchange for a federal loan to pay back delinquent property taxes. It reconverted to a land grant in 2005, when it registered with the secretary of state to get political subdivision status. "If they hadn't converted back to a *merced*, Game and Fish wouldn't even be talking to them", Representative Miguel Garcia said, explaining that if the agency gave the land to an unregistered land grant, it would be in violation of the state's anti-donation clause. "This is the importance political subdivision [status] carries. It is a big milestone in terms of protecting what land grants have and increasing the opportunity to keep their traditions and customs", he said.

Capital Outlay — Department of Finance and Administration (DFA)

Barbara Romero and Gerald Garcia, project managers with the DFA's Local Government Division, discussed the requirements and processes by which land grants can get capital outlay money from the state for construction and other projects. Their division also oversees federal money newly available to land grants from the U.S. Department of Housing and Urban Development (HUD), from which land grants are now eligible for up to \$50,000 in Community Development Block Grant (CDBG) money, they explained. Mr. Garcia said many New Mexico communities have funded large projects with a combination of general fund appropriations from the state and CDBG money.

Ms. Romero and Mr. Garcia outlined the steps land grants must take before applying for capital outlay funds from the state. They include:

- having a comprehensive plan, including goals for the next five years and how the project fits into those goals;
- determining the total cost of the project;
- determining if the project can be done in phases;
- determining all other sources and amounts of funding for the project, including other grant money (e.g., CDBG) and revenue from membership dues, grazing fees, etc.;
- approaching a legislator to request funding during the legislative session; and
- putting as much detail into the application as possible to avoid being denied reimbursement due to missing language in the request.

Ms. Romero warned that the DFA operates almost exclusively on a reimbursement basis, which means communities have to pay up front for work done. She acknowledged that this creates a hardship for land grants because they have very little or no money at their disposal and do not have the bonding capacity to raise money. Only in rare cases does the DFA pay money up front, she said, adding that she will investigate exercising that option for land grants. She noted that land grants with political subdivision status can receive appropriations directly rather than having to find another entity to act as fiscal agent, though they must first register with the secretary of state, file a budget with the DFA and comply with the Audit Act.

Gilbert Quintana, vice president of the Mora Land Grant, said that since registering in 2004 as a political subdivision of the state, his land grant is now required to undergo an audit even though "we haven't expended a penny". Ms. Romero said the statutes impose the audit requirement, not the DFA, and the DFA must comply with the statute in order to award money. Mr. Garcia said the DFA can intervene on behalf of the Mora Land Grant to find out if it is being "targeted" and if other entities undergo the same scrutiny. Ms. Romero agreed, saying the department has to review the DFA's processes as they apply to land grants "because they're very new to our community".

Arturo Archuleta of the North Central New Mexico Economic Development District (NCNMEDD) said land grants are "getting tangled in the bureaucracy between agencies". He said his organization will try to coordinate conversations between the State Auditor's Office, the Attorney General's Office (AGO) and the DFA. He said issues to be addressed with regards to land grants include:

- the legal definition of compliance with the Audit Act;
- funding levels and guaranteed funding streams;
- prepayment of funds versus reimbursement; and
- funding for the AGO's Guadalupe Hidalgo Treaty Division.

Representative Hall requested that the DFA be on the LGC's agenda every month with a report on land grant funding. That way, he said, the committee can decide whether to intervene with letters or with legislation. He said he feels "so strongly about this" after seeing the DFA

deny funding many times because someone "forgot to cross a 't' ". He added, "I'm just so tired of the bureaucracy". Representative Hall also suggested that committee members add \$1,000 to their capital outlay requests to buy books for the Anton Chico library.

Representative Thomas Garcia said he will "match Jimbo's contribution" because Anton Chico is in his district. He also said the Mora Land Grant is being "picked on" because its members "kind of stuck their necks out" by taking such initiatives as requesting historical and boundary markers from the state. He said other land grants can look to Mora as an example, and he commended the land grant for leading the way.

Representative Miguel Garcia complimented Ms. Romero and Mr. Garcia for their personal involvement in helping land grants. Noting that they are on a first-name basis with many land grant board members, he said, "In doing that, you kind of break the ice". He also noted that much of what they are doing with land grants has not been done before.

The DFA's Mr. Garcia said he has a personal interest in helping land grants because he, too, is a land grant heir. Ms. Romero expressed appreciation that the new DFA director encourages program managers to visit the communities with which they work.

Lunch

Following a prayer from Lieutenant Governor Mondragon, the committee recessed at 12:45 p.m. for a lunch hosted by the Anton Chico Land Grant and Jerry Perea, owner of the Maestas Lounge, where the meeting took place.

Highway Signs and Historical Markers

Tom Raught, state maintenance engineer for the Department of Transportation (DOT), exhibited a smaller-scale mock-up of boundary signs that the DOT has agreed to put up on the Mora Land Grant. Approximately eight feet wide by three feet tall and made of reflective brown aluminum, the signs will be placed on both sides of the 14 state highways that pass through Mora, and will say either "Entering the Mora Land Grant" or "Leaving the Mora Land Grant". "The good news is, we can do signs for you guys", Mr. Raught said. "The bad news is that we don't have the money to do it right now". Mr. Raught said the DOT can do a few signs at a time, which he said could mean the passage of years before the DOT can furnish all 24 land grants with their signs. He said the signs are handmade and cost between \$280 and \$300 apiece, plus another \$3,000 to \$4,000 "just to get the ball rolling". That comes to \$40,000 or \$50,000 to complete the project, he said. The Mora Land Grant will get the first set of signs because it approached the DOT first, Mr. Raught said. He said the department will work on a first-come, first-served basis.

Mr. Quintana from the Mora Land Grant thanked Mr. Raught for working with the land grant board of trustees. He said he approached the DOT two years ago about getting the signs put up and now intends to go to the federal government to get green historical boundary signs on I-25. Mr. Raught said he will speak to "the feds" because the state DOT is responsible for

putting up the green interstate signs. "I can't imagine they'll turn us down", he said. "I'll go talk to them myself". He promised that if the federal government says no, he will come back and personally inform the committee.

Mr. Archuleta offered the assistance of the NCNMEDD in identifying land grants that want boundary signs and whether they will require brown or green signs. Noting that most land grants have suffered a loss of their historic boundaries, he asked if they will have to decide whether to mark the original boundaries or the actual ones. Mr. Raught thought that, in time, they could have both. Representative Miguel Garcia said the intent of the committee is to mark the historical boundaries. This received consensus from committee members and the audience.

Representative Thomas Garcia asked if a land grant could purchase its own signs rather than wait for the state to come up with the money. Mr. Raught said he does not think that would be a problem as long as the signs meet federal standards. Federal standards would also determine if the signs could have the Zia symbol on them, he added in response to an earlier question.

State Forest Programs

Tony Delfin, deputy state forester, gave a presentation on the role of the Energy, Minerals and Natural Resources Department Forestry Division and how it interfaces with land grants. He stressed that the agency does not own or administer property; that it is only responsible for wildfire management and non-municipal commercial forest harvest activities on non-federal, non-municipal land in the state. Mr. Delfin explained that one of the Forestry Division's tasks is to develop community wildfire protection plans, and that the division offers forestry-related technical assistance when requested. He listed several examples of how the Forestry Division has worked with land grants, including:

- salvage timber sales after a wildfire in the Chama district;
- economic development assistance relating to forest practices, with demonstration projects conducted in the Vallecitos, Truchas and Manzano Mountain-area land grants;
- providing a wildlife urban interface grant to reduce hazardous fuels around communities, including Truchas; and
- working with many fire departments on wildfire training and equipping firefighters.

Representative Rodella asked Mr. Delfin whether the Forestry Division could develop a memorandum of understanding allowing land grant heirs to harvest wood for traditional purposes without requiring them to buy permits. Mr. Delfin said that would not be in the division's purview because the agency neither owns nor administers property.

Representative Miguel Garcia requested that the Forestry Division give preference to heirs to harvest wood to heat their homes. Mr. Delfin said that would require knowing if others have standing or not with regards to the property in question. Representative Thomas Garcia said private landowners do not have to allow heirs on their property, but that state trust or

Department of Game and Fish lands could be opened up to heirs. Mr. Delfin agreed, noting, however, that liability insurance and determining who is the fiscal agent can be problematic, as they were with a proposed wildland urban interface agreement with the Truchas Land Grant.

Land Grant Reports

Anton Chico

Lieutenant Governor Mondragon offered a list of issues for the Anton Chico Land Grant, including:

- the need for a community meeting room to accommodate up to 1,000 people;
- the need for a survey of the grant to help stop encroachment by people on land that does not belong to them and to ensure that lots are of the correct size;
- illegal dumping;
- the need to purchase equipment, such as a front-end loader and a backhoe to maintain roads and acequias, to be made available to the fire department, clinics, a senior center and seven mutual domestic water consumer associations in the land grant;
- the return of 16,000 acres of land grant property sold to pay back taxes and now managed by the USFS;
- the return of mineral rights sold in 1929 to the Mobil oil company through a transaction that remains a mystery to land grant members;
- legal representation for land grant issues by the AGO or local district attorneys;
- a moratorium on drilling wells within the land grant for water used by the City of Santa Rosa, which is outside the land grant; and
- funding to complete the aforementioned library.

Lieutenant Governor Mondragon described the Anton Chico Land grant as encompassing 115,000 acres, most of it unfenced and communal. Many heirs make a living selling rock — primarily flagstone — and wood for fuel and posts. He said there is potential land grant income from biomass to heat New Mexico Highlands University, for example, and some of the nearby school districts and by clearing out juniper to allow for more grazing. Grazing fees account for the majority of land grant income, he said, along with renting land to members at \$.15 an acre. He said the land grant's "human resources" often leave the rural life for jobs elsewhere in the state and the country.

Regarding a water storage facility design study for which the land grant received a \$10,000 state appropriation a few years ago, one land grant member said the appropriation was not sufficient to attract anyone to take the job. Representative Rodella suggested getting the money reauthorized for the land grant's community meeting room or another purpose so as not to lose the funds completely.

Representative Miguel Garcia suggested representatives from the Anton Chico Land Grant attend the next LGC meeting in Santa Fe because the USFS will be present and "we will grill them in terms of working out cooperative agency agreements with land grants, whatever that means". He added that Mr. Archuleta of the NCNMEDD submitted a "neat" proposal for

land grants to access Department of Game and Fish lands to gather firewood, harvest piñon and for other traditional uses. He urged the land grants to begin drawing up "real, concrete proposals" for cooperative agency agreements such as those the Bureau of Land Management (BLM) described to the committee at its last meeting in Chama. "If they turn you down, then you have a process started", he said.

San Miguel del Bado

Joe Garcia of the San Miguel del Bado Land Grant said Fourth Judicial District Judge Eugenio S. Mathis, as special master, oversaw an election of San Miguel del Bado's board and selected people to run who were not land grant heirs. Mr. Garcia said the new board changed the election rules, disallowing many heirs from voting. He said the new board will not allow him to look at the bylaws. He asked about the legality of the situation and if the land grant can hold another election. Representative Miguel Garcia said the LGC cannot get involved in internal conflicts. He suggested Mr. Garcia speak to Juan Sanchez from Chilili, who, as a long-time member of the New Mexico Land Grant Forum, has lots of experience in those areas. "The *consejo* has a body of knowledge and a history of lessons learned that they're willing to share with other folks", Representative Miguel Garcia said, noting that he has a personal attachment to San Miguel del Bado because his great-great-grandfather lived there "when he made his *entrada* into Las Vegas the second time".

Tecolote Land Grant

Angela Herrera of the Tecolote Land Grant said she thought Tecolote would be a political subdivision by now, but an adverse possession lawsuit by the Montoya family, who claims ownership of the land grant, has stalled the process. She said the land grant filed an appeal in October 2006 and is still awaiting a decision.

Ms. Herrera said Tecolote received funding through San Miguel County to renovate its community center. It also received CDBG funds for road improvements, but had to use the money to repair major flood damage due to a "busted" acequia. She said the land grant needs a safe place to keep historical and other records. Currently, she said, "my house is the repository for tons of records". Other issues facing Tecolote include illegal dumping, mineral rights and a need for maintenance equipment and a land survey.

Representative Thomas Garcia suggested that Tecolote approach New Mexico Highlands University to store its records in the library, where they can be used as an educational tool and could be put on microfilm or microfiche.

Mora Land Grant

Mr. Quintana of the Mora Land Grant said Mora organized as a political subdivision in 2004 with virtually no common land. Although the land grant was established in 1835 with 821,600 acres, by 1878 the land was gone, he said. "It's very significant to have had such a huge land grant and, today, to have no land except the private land that we as people own through relationships", he said. He said the land grant is anxious to see the AGO's Guadalupe Hidalgo

Treaty Division funded so that it can help the land grant negotiate the return of its land as well as to help it fight the "significant number" of quiet title suits with which it has been hit recently.

Mr. Quintana said the most significant development for the Mora Land Grant is its collaboration with the University of New Mexico and New Mexico Highlands University on a land loss institute that will document the effects of land loss on communities, including loss of native languages, sadness, anger, depression, feelings of injustice and disloyalty, resentment of outsiders, drug and alcohol abuse, etc.

Mr. Quintana took the U.S. Department of the Interior to task for ignoring his requests to include a history of the Mora Land Grant at the Fort Union National Monument, which is located within the land grant's historic boundaries, and to build on its perimeter some electricity-generating wind towers to help the land grant make money to buy back its land. He said the land grant invited a superintendent of the Department of the Interior to the land grant's meetings to discuss these issues, but the supervisor declined the invitations — the first public official to do so, according to Mr. Quintana — and referred to the land grant as a committee. "We were offended", he said. "We voted at the last meeting to send her superior a letter that you will receive a copy of describing our interaction".

Senator Adair said the issue is beyond the scope of the committee and that Fort Union "is for everybody... for saving New Mexico from the Confederacy". He said the fort served the entire state and all U.S. armed forces, and was heavily made up of Hispanic soldiers. Many went on to great political achievement, he said, some even appointed directly by Abraham Lincoln. "I would be careful with the ground you tread on", he added, and cautioned Mr. Quintana not to be so divisive in his characterization of the area's history. Representative Miguel Garcia concurred, advising Mr. Quintana to "pick your fight".

Mr. Quintana said other land grant priorities include:

- economic development, including acquiring elk permits to sell;
- agricultural development;
- acquiring land and a building for a community center; and
- housing.

Mr. Quintana said the land grant has approached both the USFS and the BLM about getting back its land, but has come up "empty-handed" and has not even gotten a response from Sam DesGeorges, manager of the BLM's Taos Field Office. Representative Thomas Garcia advised that if the land grant board writes to a federal agency and gets no response, it should send a copy of the letter with an explanation to its congressional representative and ask the representative to pursue the issue on the land grant's behalf. Regarding the land grant's proposed wind energy project, Representative Garcia said he thinks it will not be allowed, noting that there may be regulations that do not allow wind towers on or even near a national monument. He suggested Mr. Quintana inquire about the regulations before he pursues the proposal, and referred to a wind tower in Pecos that caused a "huge fiasco" because it obstructed the views.

Las Vegas Land Grant

Hilario Rubio, president of the Las Vegas Land Grant, said he was surprised that representatives from Gallinas and San Augustin did not attend the LGC meeting, but that he would report on those and other subgrants. Before beginning his presentation, he recognized Ernesto Lujan, secretary-treasurer of the Las Vegas Land Grant, noting that Mr. Lujan served in the military during the Vietnam Conflict and "Desert Storm".

Mr. Rubio described the remaining common lands of the Las Vegas Land Grant as a 368-acre parcel that begins next to Luna Community College and extends west toward the mountains. He said the college is the land grant's fiscal agent. He said the Gallinas, San Augustin and San Geronimo subgrants have their own governing boards, but the Las Vegas Land Grant trustees oversee them. Gallinas is working on a forest-thinning project, he said, which would allow members of the affiliated land grants to harvest wood. "But we can't commercially exploit the subgrants", he said. "It has to be for the benefit of their members".

Mr. Rubio and Mr. Lujan described some of the other projects the Las Vegas Land Grant has been working on, including:

- getting approval from the New Mexico Department of Environment for a closure plan for the City of Las Vegas' landfill, which is on the land grant's property;
- requesting money for a survey of Los Vigiles partition grant;
- clarifying permissible general fund appropriations for the land grant;
- illegal dumping; and
- issues with New Mexico National Guard property and with King Stadium.

Tour of Anton Chico Land Grant

The committee recessed at 6:30 p.m. following a tour of the Anton Chico Land Grant, led by Lieutenant Governor Mondragon.

Friday, October 12

Tour of the San Miguel del Bado and Tecolote Land Grants

The committee reconvened at 9:00 a.m. at the Plaza Hotel to tour the San Miguel del Bado and Tecolote land grants.

**MINUTES
of the
SIXTH MEETING
of the
LAND GRANT COMMITTEE**

**November 28, 2007
Room 309, State Capitol
Santa Fe**

The sixth meeting of the Land Grant Committee (LGC) for the 2007 interim was called to order by Representative Miguel P. Garcia, chair, on Wednesday, November 28, 2007 at 10:25 a.m. in Room 309 of the State Capitol in Santa Fe.

Present

Rep. Miguel P. Garcia, Chair
Sen. Richard C. Martinez, Vice Chair
Sen. Rod Adair
Rep. Paul C. Bandy
Rep. Thomas A. Garcia
Rep. Jimmie C. Hall
Rep. Debbie A. Rodella

Absent

Sen. Joseph J. Carraro
Sen. Gerald Ortiz y Pino
Sen. James G. Taylor

Advisory Members

Sen. Carlos R. Cisneros
Rep. Ben Lujan
Sen. Bernadette M. Sanchez

Rep. Justine Fox-Young
Sen. Phil A. Griego
Sen. William E. Sharer
Rep. Eric A. Youngberg

Staff

Jon Boller, Legislative Council Service (LCS)
Kate Ferlic, LCS
Tamar Stieber, LCS

Guests

The guest list is in the meeting file.

Handouts

All handouts are in the meeting file.

After calling the meeting to order, Representative Miguel Garcia asked for a moment of silence in memory of Representative Manuel G. Herrera, a committee member who died in October after a long battle with cancer. Representative Garcia described Representative Herrera as a "a real dedicated gentleman" and a "strong legislative advocate" for land grant communities.

Representative Miguel Garcia announced that it was Representative Rodella's birthday and that the majority leader of the House of Representatives would provide lunch in her honor.

Minutes

The committee unanimously adopted the minutes from the August 20-21, 2007 meeting in Truchas; the September 6-7, 2007 meeting in Chama; and the October 11-12, 2007 meeting in Dilia.

Committee Member Changes

Representative Miguel Garcia announced that Representatives Bandy and Thomas Garcia would change from advisory members to voting members, beginning with that day's meeting. Representative Miguel Garcia said Representative Bandy has been a "very good addition" to the committee particularly because of his agricultural background — he is a rancher — and his familiarity with the federal Bureau of Land Management (BLM).

United States Forest Service Programs and Issues

John Bruin, acting director of lands and minerals for the southwestern region of the United States Forest Service (USFS), a division of the United States Department of Agriculture, and Art Morrison, legislative affairs coordinator for the southwestern region, appeared before the committee to respond to the following questions:

1. Does the USFS use cooperative agreements or any other formal agreements to work with land grant groups, given that many are land grants with political subdivision status?
2. Are there any USFS proposals for disposal of land? If so, where and what is the process?
3. Does the USFS have policies or programs allowing special forest access to land grant heirs? Give examples.

In answer to question No. 1, Mr. Bruin said the State and Private Forestry Branch of the USFS provides funding to the New Mexico State Forestry Division that may be used for forest lands within land grants. Some land grants may also be available for forestry assistance through the Cooperative Forestry and Forest Health Programs or the Competitive Allocation Process which are under the purview of the New Mexico state forester.

Mr. Bruin said the Cooperative and International Forestry (CIF) staff of the USFS's southwestern region provides technical and financial assistance to state, tribal, community and private landowners and resource managers to achieve "natural resource objectives" such as forest restoration and to provide community-based opportunities in and adjacent to the national forests. He said the CIF staff administers Forest Product Lab grants, Collaborative Forest Restoration Program (CFRP) grants and Wildland Urban Interface grants. Through a partnership program, the CIF staff also aids in "nurturing the connection" between sustainable forests, sustainable communities and sustainable industry, he said.

Mr. Bruin said that while the USFS does not have a specific cooperative agreement with land grants, the CFRP has benefited several land grants that are included in a document he provided to the committee called the 2001-2007 Collaborative Forest Restoration Program Project Summaries and Contact Information.

Responding to question No. 2, Mr. Bruin said the USFS can only enter into real estate transactions with federal authorization, and that currently the USFS has limited authority to sell national forest lands. When it does enter into real estate transactions, the USFS must adhere to very specific criteria or identify only a small number of properties for sale in a limited geographical area. For example, he said, the Small Tract Act and the Townsite Act both give the USFS authority to conduct real estate transactions. The Small Tract Act addresses inadvertent trespass on national forest lands, he said, while the Townsite Act allows the sale of up to 640 acres at fair market value to counties, cities or other local governmental subdivisions.

In response to the last question, Mr. Bruin said the USFS does not have any specific policies or programs that provide exclusive forest use to land grant heirs.

Representative Miguel Garcia asked if the USFS has a "demographic overlay" of USFS lands showing how they overlap lands that once were community grant lands and whether the USFS has done that sort of mapping. Mr. Bruin said the USFS has maps for each of the national forests, many of which identify boundaries of former and current land grants. He said he is not aware of a statewide map, other than an attempt by the Office of the Inspector General to put all those maps together.

Representative Miguel Garcia asked about USFS wood harvesting programs for communities and particularly for political subdivisions. Mr. Bruin said each national forest manages its own fuel wood program and that most require some sort of payment to harvest wood, unless a forest needs immediate cleanup.

Representative Miguel Garcia said he wanted to share with Mr. Bruin and Mr. Morrison some of the initiatives the state legislature has taken to elevate the status of land grants, including the right of first refusal for land grants with political subdivision status to purchase state-owned property within their boundaries and the right to match the highest bid for private land put up for sale at public auction. He added that he hopes that there are avenues where the

USFS can give land grants a kind of favored neighbor status or favored governmental status, and that the committee would encourage that. He said that in Chama, the BLM has cooperative entity agreements worked out with political subdivisions that involve them in the management and land transfer decision-making on BLM property. Noting the sometimes rocky relationship between land grants and the USFS, Representative Miguel Garcia encouraged the USFS to follow the state's lead in recognizing their historical value and the cultural and economic viability of these communities.

Asked about the Collaborative Forest Restoration Program, Mr. Bruin explained that Walter Dunn handled the program and outlined how it worked. He said there is a review board that makes recommendations to the USFS on which projects should be funded and that the program is unique to New Mexico. Representative Hall suggested that information about the program needs to be distributed to the land grants.

Representative Rodella asked whether the USFS is encroaching on common lands in the Truchas area. Mr. Bruin replied that he used to work out of the ranger district there and that he understood that, at that time, from the USFS perspective, the boundaries were based on historical documents. He suggested talking to the district ranger in that area about the problem. Representative Rodella requested that the USFS have a liaison provide information on the various programs that are available to the land grants. She said it would be beneficial to the USFS to get a list of land grants from the state to ensure that they could be notified of application deadlines for those programs. Representative Rodella also expressed concern about elk management issues on federal and state lands and access to a historic cemetery by heirs to the San Joaquin del Rio de Chama Land Grant.

Other issues raised by the committee concerned access to firewood and maintenance of forest service roads. Mr. Morrison said that the USFS will be revising its management plan over the next two years and that he hoped the lands grant community would participate in the process.

Public Comment

Roberto Mondragon, former lieutenant governor and president of the board of directors of the Anton Chico Land Grant, commented that between 16,000 and 17,000 acres of the national forest was originally part of the Anton Chico Land Grant. He said that Congress is attempting to answer issues that have to do with land grants generally, and that the land grant proponents all realize that and are stepping back and hoping that the congressional delegation addresses these issues and returns some of the lands or sets up a commission and a trust fund so that all land grants can have an equal opportunity to retrieve some of their lands. He observed that, in looking at the forest restoration program projects, it appears that a considerable amount of money was given over the past seven years. He asked how many of the restoration projects listed in the handout were in conjunction with land grants.

Mr. Bruin answered that it was his understanding that it was about 2005 or so when the state granted political subdivision status to land grants, and that prior to that time, they were not

eligible for this program. He said it is a very competitive process, which can take two or three years.

Mr. Mondragon said he thought that forest service programs do in fact offer land grants that are political subdivisions a great opportunity to work with the USFS. Mr. Mondragon asked about the possibility of access and working toward an agreement similar to that of the Sangre de Cristo Land Grant in southern Colorado.

Mr. Bruin said the USFS does look at things that are broad in nature, but that its charge is from the national level, so it cannot highlight one group versus another. The USFS tries to provide access so that a land grant can still get into an area, but as far as any kind of transfer of land, the USFS does not have that authority.

Juan Sanchez, president of the board of trustees of the Chilili Land Grant, said he was very familiar with the CFRP grants, because the land grant had applied several times for the program. He said that he has applied every year, but his application has never been accepted. He asked Mr. Bruin to talk to Walter Dunn and see if it is possible to get a land grant heir on the review board, not only for land grants to get more informed, but also to bring more cooperation between land grants and the USFS. Mr. Sanchez asked whether or not land grants need to follow the National Environmental Policy Act of 1969 (NEPA) process when applying for CFRP grants, and suggested changes in law to allow grantees specific rights within forest lands. He said he thought that now that land grants are recognized units of governments, there could be more cooperative management of forest lands to the benefit of both parties.

Leonard Martinez, president of the board of trustees of the San Joaquin del Rio de Chama Land Grant, reported on the land grant's cemetery, which is located on USFS land near the Chama River. He reminded the committee of its visit to the cemetery during its meeting in Gallina. He said that access is still an issue, and though the board has a key borrowed from the USFS, that there is supposed to be another space there for a lock and that there is still no resolution to the problem. The land grant has been waiting two years for a NEPA study on fencing the cemetery so that it looks natural to the terrain, he said, but that is still not done. As for wood harvesting, he said the board proposes to register and submit a list of land grant heirs to get permits for five cords of wood each. The USFS authorized five cords of wood, but from a different place from the San Joaquin del Rio de Chama Land Grant. He noted that the USFS charges \$20 for a cord of wood.

Several committee members encouraged the USFS to establish a land grant liaison position to help facilitate better communication between the forest service hierarchy and land grants. Speaker Lujan suggested that perhaps the forest service could enter into a memorandum of understanding (MOU) with a land grant, as they do with pueblos. He said that Regis Pecos, who works for the speaker and is familiar with these MOUs, would get that information and work with Mr. Boller to get it to the land grants. The committee approved without objection a motion by the speaker to do so.

Roberto Mondragon played guitar and led the committee and audience in a song wishing Representative Rodella a happy birthday.

State Historian Digital History Project

State Historian Estevan Rael-Galvez explained that the Office of State Historian is a division of the State Records Center and Archives and is staffed by himself and Dr. Dennis Trujillo, along with a half-time clerk. Rosa Weiss, a student intern in the state historian's office, accompanied Dr. Rael-Galvez and Dr. Trujillo.

Dr. Rael-Galvez outlined the duties of the state historian and stressed the need for greater access to information, noting that knowledge is often a privileged commodity. He said his mission is to foster and facilitate a greater understanding and appreciation of New Mexico's history and culture and make it possible to access historical records and information via the internet. Dr. Rael-Galvez then gave an extensive tour of the state historian website, explained how the digital history project works and described the Scholar's Program, Legacy Project and Service Learning Student Internship Program. He said that by digitizing video files, audio files and texts from the state archives, these records are being made available to schools, libraries and individual homes throughout the state and worldwide.

Committee members asked if the Office of the State Historian was working with the University of New Mexico (UNM) in carrying out its projects, and if its work would be a good fit with the proposed Land Grant Studies Program. Dr. Trujillo and Dr. Rael-Galvez replied that UNM was a great resource and that their office worked with students in UNM's American Studies program and that the office's collaboration with UNM is wonderful. He said UNM also has a tremendous treasure trove of documents, including the Thomas Catron collection. In terms of the appropriation requested, he said the funding would be used to digitize, because his office does not have anyone on staff who can take the time to sit and scan records all day. The goal is to have as many of those records digitized as possible, including but not limited to land grant records, he explained.

Speaker Lujan expressed support for the project to continue, and suggested that everyone on the committee commit to supporting separate \$15,000 appropriations to the program during the next legislative session. Representative Miguel Garcia suggested that the individual committee members should introduce bills for \$25,000 each to support the program and work together during the session to modify their requests, if necessary, to have the total appropriation equal the requested \$150,000. The committee endorsed the concept without objection.

Update on Issues and Endorsement of Legislation

Land Grant Studies Program

Manuel Garcia y Griego, associate professor of history and director of the Southwest Hispanic Research Institute at UNM, talked briefly about the history of the proposed land grant studies program. He noted that the committee endorsed a bill about a year ago to establish a land grant studies program at UNM. The bill did not pass, he explained, in part because it was not on UNM's priority list. This year, he said, the regents voted in August to make the program a priority.

Dr. Garcia y Griego reviewed how the program would function and why funding is necessary to get the program started. The committee endorsed an appropriation of \$125,000 without objection. Senator Sanchez offered to sponsor the bill, with Representative Rodella being the primary co-sponsor in the House.

Records and Archives Title Abstract Project

Dr. Rael-Galvez appeared on behalf of Sandra Jaramillo, state records administrator, and gave an update on the \$45,000 appropriation given to the State Records and Archives last session to conduct title abstracts on state lands that were formerly part of a Spanish or Mexican community land grant. Dr. Rael-Galvez explained that Ms. Jaramillo and Representative Miguel Garcia had met to discuss and determine which of the properties should be prioritized for further assessment based on Mr. Torrez' 2006 survey. It was determined that the properties to be researched should be located within the land grants that are subject to Chapter 49, Article 1 NMSA 1978 and that are registered with the secretary of state. Dr. Rael-Galvez distributed a list of the targeted properties to the committee.

Department of Game and Fish Transfer of Land to Abiquiú.

Patrick Block, assistant director of the Department of Game and Fish, updated the committee on a proposal to transfer administratively a small parcel of land near the Abiquiú tract back to the Abiquiú land grant. He informed the committee that the request will be presented to the State Game Commission at its December 12 meeting in Roswell. He noted that, if successful, the department might ask for a resolution from the legislature approving transfer of the property. He also mentioned that the department had initiated communication with the Department of Transportation to request that deed restrictions on the parcel be lifted.

The committee approved a motion to write a letter to the State Game Commission in support of the transfer, along with a draft resolution for the session in case one is needed. Representative Rodella will carry the resolution if needed, with Senator Martinez as the primary co-sponsor in the Senate. Representative Thomas Garcia suggested having a formal ceremony marking the transfer. The committee approved a motion to include that request in the letter to the commission.

Atrisco Land Grant Update

Jerome Padilla, president of the Atrisco board of trustees, and Richard Griego, secretary of the board of trustees, asked the committee to consider legislation that would reconstitute the Atrisco Land Grant and give the grant political subdivision status. They suggested that legislation similar to that making the Tomé land grant a political subdivision would be appropriate. Senator Sanchez questioned whether that type of bill would work in this case, because Tomé and Atrisco did not appear to have gone through the same process of land loss. Mr. Boller agreed with Senator Sanchez, who said she was not necessarily opposing the legislation, but wanted to make sure that this was the right piece of legislation. Mr. Padilla said that is why he and Dr. Griego came to the committee, to get support and legislation to put the Atrisco Land Grant back on the map.

A discussion ensued concerning the relationship between the board of trustees and the Atrisco Heritage Foundation. Mr. Padilla and Dr. Griego expressed concerns about the scope of the foundation's mission, and said they feel there is a need for an independent body to represent all the heirs of the land grant. Speaker Lujan expressed reservations about supporting a proposition that may not have the support of all heirs to the grant. He said it appears that Mr. Padilla and others had been in contact with the foundation, but that there has not been any real dialogue about what everyone is trying to achieve. Asked whether he had presented his proposition to representatives of the foundation before coming to the committee, Mr. Padilla said the concept was put out to the Atrisco community, and that it is not his intention to divide the community, but to bring it together.

Several members of the committee expressed reservations about moving forward with a bill this session. Representative Miguel Garcia said it was his sense from the committee that it would be better to look at this issue next interim, when the committee would have a little more time to deal with more specific detail.

Legislation

Arturo Archuleta and Juan Sanchez presented two bills to the committee. The first provided for clarification of the election provisions for land grant boards of trustees. The bill would make it clear that land grants may, but are not required to, provide for early and absentee voting. After discussion, the committee adopted a motion to look at the Election Code question next interim.

Mr. Archuleta then presented the Land Grant Support Act bill. The committee voted to strip the bill of its substantive sections and just to appropriate \$75,000 to the North Central New Mexico Economic Development District to provide services to the land grant community. Representatives Rodella and Miguel Garcia will sponsor the bill.

Mr. Archuleta informed the committee that Esther Garcia of the San Antonio del Rio Colorado Land Grant had to leave the meeting, but she desired a joint memorial to Congress expressing support for the adjudication of those land grants that got stuck in the legislative

process and that remain unadjudicated. The committee adopted a motion to endorse the concept and have it drafted when the requester gets the necessary information to Mr. Boller.

The committee adjourned at 3:55 p.m.

- 9 -

**ENDORSED
LEGISLATION**

underscored material = new
[bracketed material] = delete

SENATE BILL

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE BOARD OF REGENTS OF THE
UNIVERSITY OF NEW MEXICO TO ESTABLISH A LAND GRANT STUDIES
PROGRAM AT THE UNIVERSITY OF NEW MEXICO.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--One hundred twenty-five
thousand dollars (\$125,000) is appropriated from the general
fund to the board of regents of the university of New Mexico
for expenditure in fiscal year 2009 to develop a land grant
studies program at the university of New Mexico. Any
unexpended or unencumbered balance remaining at the end of
fiscal year 2009 shall revert to the general fund.

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HOUSE BILL

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO PROVIDE TECHNICAL ASSISTANCE TO
CERTAIN LAND GRANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--Seventy-five thousand dollars
(\$75,000) is appropriated from the general fund to the local
government division of the department of finance and
administration for expenditure in fiscal years 2008 and 2009
for distribution to the north central New Mexico economic
development district to provide technical assistance to
community land grants that are political subdivisions of the
state. Any unexpended or unencumbered balance remaining at the
end of fiscal year 2009 shall revert to the general fund.

.170321.2

HOUSE JOINT RESOLUTION

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LAND GRANT COMMITTEE

A JOINT RESOLUTION

GRANTING APPROVAL TO THE STATE GAME COMMISSION FOR THE TRANSFER
OF 32.539 ACRES, MORE OR LESS, OF LAND IN RIO ARriba COUNTY
FROM THE DEPARTMENT OF GAME AND FISH TO THE ABIQUIU LAND GRANT.

WHEREAS, Section 13-6-2 NMSA 1978 authorizes state
agencies to donate real property to other state agencies, local
public bodies, school districts or state educational
institutions; and

WHEREAS, approximately 32.539 acres, more or less, of land
in Rio Arriba county currently held by the department of game
and fish was given to the department by the department of
transportation for mitigation for highway work; and

WHEREAS, this parcel of land is not well-suited to the
purposes of the department of game and fish; and

WHEREAS, this parcel of land was originally part of the
.170443.2

1 common lands of the Abiquiu land grant, a political subdivision
2 of the state, to which the land should be returned; and

3 WHEREAS, upon transfer, this parcel of land should be
4 administered as part of the common lands of the Abiquiu land
5 grant, with title reverting to the state if it ceases to be
6 part of the common lands of the grant;

7 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
8 STATE OF NEW MEXICO that the department of game and fish may
9 transfer to the Abiquiu land grant ownership of a certain
10 parcel of land situated within the Abiquiu land grant in Rio
11 Arriba county, being more particularly bounded and described as
12 follows, to wit:

13 "Beginning at a point for Station 1217+29.11, a point on
14 the left right of way line of NMP SP-F-052-1(203), County of
15 Rio Arriba, State of New Mexico, said point also being 2305.23
16 feet south and 5699.30 feet East of a Monument marked TA3M &
17 MC14 of the Town of Abiquiu Grant, thence S.27°27'W. a distance
18 of 608.0 feet; thence S.50°56'W. a distance of 264.0 feet;
19 thence S.66°24'W. a distance of 852.0 feet; thence S.28°54'W. a
20 distance of 334.0 feet; thence S.38°03'W. a distance of 375.0
21 feet; thence S.55°42'W. a distance of 474.0 feet; thence
22 S.83°57'W. a distance of 180.0 feet; thence N.81°11'W. a
23 distance of 209.73 feet; thence N.14°46'E. a distance of 382.80
24 feet; thence N.49°46'E. a distance of 1568.0 feet; thence
25 N.23°46'E. a distance of 548.50 feet; thence N.89°46'E. a
170443.2

1 distance of 920.69 feet to the point and place of beginning.

2 Containing 32.538 acres, more or less."; and

3 BE IT FURTHER RESOLVED that the above-described tract is
4 to become and remain part of the common lands of the Abiquiu
5 land grant, and in the event the described tract ceases to be
6 part of the common lands of the land grant, ownership of the
7 tract shall revert automatically to the state; and

8 BE IT FURTHER RESOLVED that copies of this joint
9 resolution be transmitted to the state game commission and the
10 board of trustees of the Abiquiu land grant.

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